REPORT

ON

CIVIL AND CRIMINAL JUSTICE

IN

BRITISH BURMA

FOR

The year 1875.

Rangoon:

PRINTED AT THE GOVERNMENT PRESS.

1876.

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PART III.

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[*From the Officiating Superintendent, Hill Tracts, Northern Arakan to the Commissioner of the Arakan Division.*]

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RESOLUTION

ON THE

JUDICIAL REPORT, BRITISH BURMA,

For 1875.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 200, dated the 21st August 1876.

READ—

Report on the Administration of Civil and Criminal Justice in British Burma for 1875.

RESOLUTION.—The publication of the Chief Commissioner's remarks on the Judicial Reports for 1875 has been again delayed beyond the proper time. For this, in both the civil and criminal departments, the Commissioner of Tenasserim appears to be immediately responsible. The delay in his division has been so great that eventually the papers have been submitted to Government without either statements or narrative affecting the Salween district. Perhaps Colonel Ardagh will be able to throw final responsibility for this dilatoriness one step further back; though until then the Chief Commissioner must hold him absolutely responsible for the delay that has occurred, and which is the more culpable in the face of the recent stringent orders that were issued on this subject.

2. The incompleteness and imperfections of the Burma Courts Act of 1872 were noticed last year. The new Bill, then under discussion, has since developed into law as Act XVII. of 1875, and has regulated the disposal of Judicial business in the province since the 16th September last. There has, accordingly, as yet been no fair opportunity of testing the adequacy of its provisions, and, beyond the fact that it seems to have disposed of all the unsatisfactory and doubtful conditions of the old law, nothing can as yet be said of its positive benefits. It is to be feared, however, that the complicity of some of its arrangements in the constitution of the Special Court and in the regulation of appeals from the Recorder and Judicial Commissioner precludes the idea of its acceptance as a final measure; though, in the somewhat transitive state of Judicial administration in the province, it is an improve-

ment upon what existed before, and serves a temporary purpose. The extended jurisdiction secured by it in admiralty and insolvency cases supplies an admitted need, and, especially as regards the latter, should prove of benefit to the large mercantile interests of our sea-port towns. The suggestions contained in the concluding portion of paragraph 32 will receive attention. There has been some progress in the translation of the Acts of the Indian Legislature, and a compilation from two standard commentaries on the Buddhist law has been completed.

3. The work of the Special Court was again little in quantity, if important in quality. The High Court jurisdiction exercised in respect of the Judicial business of the province was as follows:—

Criminal.

Court of Appeal, Reference, or Revision.	Appeals.		References.		Revisions.	
	1874.	1875.	1874.	1875.	1874.	1875.
High Court, Fort William	...	...	...	...	...	...
Special Court ...	8	9	...	3	...	...
Recorder's Court ...	...	...	4	...	...	...
Judicial Commissioner's Court	115	136	23	31	193	487

Civil.

Court of Appeal or Reference.	Appeals.		References.	
	1874.	1875.	1874.	1875.
High Court, Fort William ...	3	2	...	...
Special Court	2	14	3	3
Recorder's Court	...	...	20	27
Judicial Commissioner's Court ...	106	115*	8	32

* Sixty-nine of these appear to have been Regular Civil Appeals heard by the Judicial Commissioner, exercising the appellate jurisdiction of the Commissioner of Pegu.

The Recorder's remarks on the constitution of the Appellate Bench of the High Court, which deals with civil appeals from his Court, refer to a matter in which it is impossible for the Chief Commissioner to interfere. The question is one with which the Chief Justice of Bengal is alone competent to deal, and, if Mr. Wilkinson anticipates a more satisfactory state of things by the transfer of appeals from his decisions to a differently constituted bench of Judges, the most appropriate course seems to be that he should personally address the Chief Justice on the subject. The provisions of the law are clear, and the High Court of Judicature in Bengal would tolerate no executive interference in its arrangements for the conduct of its business.

4. The civil business for the entire province was as follows :—

Number of Cases.

Instituted.						Disposed of.					
Suits.		Appeals.		Total.		Suits.		Appeals.		Total.	
1874.	1875.	1874.	1875.	1874.	1875.	1874.	1875.	1874.	1875.	1874.	1875.
28,074	30,397	1,457	1,297	29,531	31,694	28,118	30,385	1,401	1,310	29,519	31,665

For the increase of 2,323 suits filed, the Rangoon Small Cause Court is responsible for 1,213, the Bassein district for 378, and the Moulmein Court for 373. The remainder of the excess is almost entirely due to the formation of the Thonkwa district, and the consequent multiplication and greater accessibility of the tribunals in that portion of the country. Amherst and the hill district of Arakan each contribute slightly. Of the cases disposed of, 10,959, or 35 per cent., were contested. In 1874, a total of 11,364 out of 28,118, or 40 per cent., were contested. In the case of suits filed and disposed of in the district Courts, the per-centage fell from 42 to 39. The further deterioration is entirely due to the results exhibited in the Rangoon Small Cause Court, and especially so in that portion of it presided over by the Second Judge. The matter will be more fully considered in a later paragraph; but it will suffice to notice here that

this officer submits returns which show that of 1,821 suits disposed of by him during the year, only 239, or 13·1 per cent., were decided after a contest in Court.

5. There were 9,540 applications for execution of decrees, and in 7,489, or 79 per cent. of these, some satisfaction was obtained, of which 5,167 were executed in full—a proportion of 54 per cent. In the Rangoon Small Cause Court, 2,317 decrees were completely, and 1,111 partially, satisfied. Such results evidence very plainly that in Rangoon, at any rate, the coercive departments of the Courts are well-organized and effective. Mr. Arrakiel, the Bailiff, has fairly earned favourable notice of his services.

6. The criminal work before the Courts of the province contrasts with that of 1874 as follows :—

Year.	Cases reported.	Persons under trial.	Acquitted or discharged.	Convicted.	Undisposed of.
1874 ...	28,058	44,300	14,325	29,442	223
1875 ...	26,614	38,914*	12,568*	25,729*	...

7. These figures show a decrease of 1,439 cases of reported crime, though, as pointed out in the Chief Commissioner's remarks on the Police administration of the year, all enquiry into the system of reporting, and the degree of its correctness, has been omitted by the Police Department. These remarks find singular concurrence in paragraphs 11, 12, and 13 of Mr. Quinton's report, and it appears clear now that the commendation awarded to Prome last year, for showing a large decrease in reported offences, was not justified. The question is entirely and absolutely a Police matter, and cannot be properly dealt with in this place. It is necessary, however, that Colonel McMahon and such officers as share his views should modify them at once. The tables which are prescribed for the record of reported crime must display the exact criminal position of the *district*—not of the courts—during the year. For these reasons, the Chief Commissioner is unable to attach much importance to the number

* These figures are taken from Statement III. The number of offences is from Statement II., including, in the case of the district returns, 690 cases of vagrancy, nuisances, &c., which are excluded from the provincial totals.

of cases shown as "reported." However, accepting them for what they are worth (and in the town of Rangoon they may fairly be assumed to be more accurate than elsewhere), it is curious how they vary from the results of 1874. In that year there was a slight decrease in the aggregate for the province, occasioned by a large and general falling-off in reported cases all over the country, so large as to neutralize the effect on the totals of an increase of 30 per cent. in serious crime in Rangoon itself. This year the decrease in Rangoon is 893 cases, or 62 per cent. of the entire decrease for the province. The administration of the Rangoon Police was highly commended in the recent review of the Police report, and in this praise Mr. McIver and Mr. Adamson are fairly entitled to participate. It is true that they have had the advantages of lighted streets, increased Police, and an energetic Superintendent—advantages which were denied to the administration of the former year; still, the progress has been very remarkable, and it would be unfair to deny to the Magistracy a share of the credit. The number of persons discharged without trial shows a considerable improvement—*viz.*, 4,006 for the province, of which 736 were from Rangoon. With the theory enunciated on page 39—that in very many cases the Burmese apply for processes with the object of securing a private adjustment of their cases by money payments—the Chief Commissioner cannot altogether agree. The results may be satisfactory enough as results, but they are scarcely those primarily contemplated by the setting in motion of judicial machinery. The number of persons ordered to give security or recognizance has slightly fallen—*viz.*, from 1,270 to 1,118. On this practice, still strangely prevalent, the Chief Commissioner can only refer to his remarks of last year, and add to them what Mr. Quinton points out—*viz.*, that the practice only results in the postponement of an evil day. It is possible that the power is judiciously exercised, and, with the evidence to that effect before him, the Chief Commissioner is inclined to believe that it is. Village life in Burma has doubtless many different characteristics to village life in India; but even allowing for this, the class of men dealt with under these clauses is not peculiar to Burma, and it is notorious that the proportion of such cases here is very much in excess of that of most Indian provinces.

8. In addition to 307 Miscellaneous cases, the Recorder of Rangoon disposed of 141 Regular Civil cases, of which class

121 were instituted during the year. The history of work since 1872 is as follows:—

Year	Number of suits filed.	Value of property under litigation
		Rs.
1872	141	6,79,000
1873	179	7,71,000
1874	124	2,82,000
1875	121	4,20,824

Thus the area of litigation has considerably recovered from the decline of last year, while the number of cases has further decreased. The average value for each suit since 1872 has been—

	Rs.
1872	4,800
1873	4,300
1874	2,274
1875	3,477

The average duration of cases increased from 82 to 103 days for contested suits. It is understood that this average has been affected seriously by the delays in one or two important cases in which commissions had to issue to distant countries, and the Chief Commissioner has no reason for questioning the diligence of the Court in the disposal of its Civil business. But the fact remains that the delays in the trial of suits, which was the subject of comment last year, have become longer in the year under review; and it is desirable to notice the fact because, with what must be considered a light file and with a strong bar, it seems to the Chief Commissioner that the despatch of the Court business on the Civil side might be accelerated, with advantage to the public and with benefit to those who are desirous of more litigation. The conflict of interest which must often, of necessity, exist between the advocate and client in these matters was alluded to last year. It is referred to again, because the absence of "much litigation of an important description," which the Recorder finds a difficulty in accounting for in so large a town as Rangoon, may find its solution in the increasing protraction of suits which obtains. It has been so

represented to the Chief Commissioner, and results in a preference for private adjustments out of Court, though possibly at some sacrifice.

9. The reports from the Small Cause Court suggest matter for grave reflection. The appointment of a Burman Extra Assistant Commissioner as a Judge of the Court is now fairly on its trial, and Moung Oon's capacity for the position he holds must be gauged by other tests than that which has logically enough been termed "popularity." The amount and class of work now disposed of by him has become of such importance that high judicial training and knowledge in the Judge are indispensable. The records show an increase of 1,286 regular suits disposed of during the year—*viz.*, 5,483 (as against 4,197 in 1874), involving property valued at Rs. 5,44,229 (to Rs. 3,44,066 in 1874). The increase was common to both Courts, but greater in proportion in the Second Judge's Court, in the ratio of 51 per cent. in the latter and 22 per cent. in the First Judge's Court. This is doubtless due to the comparatively crowded state of the files in the latter. The duration of cases in the First Judge's Court averaged 15·75 days in 1874 and 23·4 in 1875. The rise is very great, and only partially explained. It is the less satisfactory as a result for the reasons now about to be commented on.

10. In 1874 the results of the regular suits heard and determined by each Judge were respectively as follows :—

Court.	Number of cases.	Contested.	Per-centage of contested cases to total number disposed of.
First Judge ...	3,002	815	26·9
Second Judge ...	1,198	309	25·9

In 1875 the figures were :—

Court.	Number of cases.	Contested.	Per-centage of contested cases to total number disposed of.
First Judge ...	3,587	808	22·5
Second Judge ...	1,821	239	13·1

Now, the first deduction that a consideration of these figures compels is, that the large increase of work which has been

noticed so prominently has no existence whatever *as regards the Judges*. Whatever increase of office-work they may occasion, it will be allowed at once that *ex-parte* cases cannot be admitted to much consideration in an estimate of the work the Judges have to perform. The result, then, is that, in 1874, the First Judge decided 815 contested cases, with an average of 17½ days; and in 1875 only 808 cases, with an average of 23½ days. The Second Judge in 1874 decided 309 cases, with an average of 7½ days, and in 1875 only 239 cases, with an average of 10 days. Thus the plea of increased work will not avail to explain the high average. The reason must lie elsewhere—partly, no doubt, by reason of the frequent changes of the presiding officer of the Court, and partly for causes not detailed.

In all Small Cause Courts there are necessarily a much larger proportion of *ex-parte* cases than in tribunals which have cognizance of all classes of civil disputes; but the limit of such may be assumed to be reached at 75 per cent. In the Calcutta Courts, in 1874, the proportion was 73·5 per cent., and in the Rangoon Courts 73·1 in the First Judge's Court, and 74·5 in Moung Oon's Court in the same year. In 1875, the First Judge decided 77·5 of his cases *ex-parte*, which is a high average; but the results in the other Court are very remarkable. There the per-centage of defended cases was 13·1 per cent. of those decided, or only *half* the proportion of that obtained in 1874. The Judge offers no comment on this strange result, if, indeed, he was aware of its existence; yet it is difficult to believe that litigation can have undergone such a transformation in twelve months, and the subject at any rate should not have been passed over in silence. The Chief Commissioner believes that Moung Oon's Court is free from most of the abuses that exist in the Courts of many Burman Judges in the province. It would be strange if it were not so, considering the fact that Moung Oon was specially selected for his present office after a long service under Government, and that the work of the Court here has to be discharged in the presence of a more educated bar and a more enlightened public opinion than can obtain at present in out-of-the-way stations. Still the conclusion is forced upon the Chief Commissioner from various circumstances which have been brought to his notice that the work done in the Second Judge's Court is not always done as it should be done; that there is a want of decorum and order in the conduct of proceedings, which merges into abuse; that the arrangements in force for the institution of suits and distribution of business are imperfect; that the

disposal of the patronage of the subordinate appointments in the Court is not always judiciously exercised; and that the procedure in a large class of cases is, to say the least, irregular. When the Second Judgeship of the Rangoon Small Cause Court was created a few years ago, it was understood that it would chiefly be for the benefit of Burman suitors. The cases, it was known, would be conducted entirely in the Burmese language. The Judge, made in a manner independent of the First Judge, enjoyed the privilege of appointing and dismissing his own establishment, of receiving cases directly in his own Court, and of submitting a separate report of his work to Government. Now that other than Burman cases go to the Second Judge, reform is urgently called for. At present, as the Recorder remarks, the Second Judge and his proceedings are practically exempt from the supervision which has to be exercised over them by virtue of the Burma Courts' Act; and it is to the want, practically, of this supervision that the defects enumerated are directly traceable. Under the present state of things, owing to the large increase of suits heard by the Courts with their wider territorial jurisdiction, and the importance of many cases which come under cognizance, the rules regulating the distribution of business require thorough revision. The Chief Commissioner will be obliged if Mr. Wilkinson, after consulting Mr. Lingham, will submit a detailed report exhibiting the reforms which are deemed necessary for the more satisfactory discharge of business. One direction in which action is clearly advisable is to amalgamate the office establishments, abolish the Head Clerkship in the Second Judge's Court, and place the whole establishment absolutely under the orders and control of the First Judge. No report will be forwarded to this office in future from the Second Judge. The First Judge will report on the working of the whole Court, and be responsible for the correctness of the returns in each. This, it seems to Mr. Rivers Thompson, is more in accordance with the provisions of the Law. There is nothing in Act XI. of 1865 which can be interpreted as recognizing more than one Court of Small Causes in one place, though the Judges may be many, and having differing jurisdictions as to the value of suits to be entertained by the respective benches. It may be added that there is no intention on the part of Government of departing from the rule which it has adopted of maintaining a Court to be presided over by a Native Judge. Enough has been shown statistically to prove that the Burman suitors do, as a rule, frequently prefer the Native Judge's Court. This

being the case, the success of the appointment of a Native Judge is complete; but it is necessary for the incumbent to unite personal with ethnical qualifications. With the adoption of reforms to admit of a close supervision of the working of his Court, it is to be hoped that Moung Oon may eventually fulfil these conditions.

11. Paragraphs 27 to 30 of the Recorder's report deal with a subject on which special legislation is clearly much required. This is the matter of registering town lands, the procedure by which transfers of names are effected in the registers, and the results of such mutations. The Chief Commissioner will, for the present, reserve detailed comment on the question, as the subject is now under his consideration with a view to moving the Legislature to pass an Act regulating the possession and transfer of property in town lands throughout the province. Mr. Wilkinson has performed a valuable public duty in detailing the irregularities and inconveniences of the present system, which will be remodelled as soon as possible. He would add to the service he has rendered if he would complete his predecessor's work, and submit the draft of such a bill as he thinks necessary to put the question of registration on a proper legal footing, at least in the town of Rangoon.

12. The remarkable improvement in the criminal statistics of the town of Rangoon has been already noticed. There were 44 cases and 82 persons committed for trial before the Recorder as a Court of Sessions. Of those committed, the charge was withdrawn against one, one escaped, one was transferred, 12 were acquitted, 38 convicted, and 29 remained for disposal at the close of the year. Of the 38 convicted, four were sentenced to transportation for life, and 34 to rigorous imprisonment of varying terms.

13. In the Magistrates' Courts there were 3,530 cases and 7,101 persons brought to trial. Of the latter, 2,064 were acquitted or discharged, and 4,929 convicted—a per-centage of 70·3, allowing for committals and pending cases. The statement showing the distribution of punishments, B. IV, and the table at page 40, do not agree. The same fact was noticed last year. If the difference, either last year or this year, is owing to the fact that cases of double punishment (*i. e.*, fine and imprisonment, or whipping and imprisonment) are recorded in varying ways in the two tables, it should be explained, as, if not, it suggests incorrectness where such may really not exist. Taking Statement IV. as the prescribed form, the detail of distribution of punishments shows an

increase of from 4 to 13 in sentences of solitary confinement, and a decrease of from 101 to 49 in cases of simple imprisonment. Both results are satisfactory. The accompanying table exhibits the result of magisterial sentences for 1874 and 1875 :—

Description of punishment.	Per-centage to total number of sentences.	
	1874.	1875.
Rigorous imprisonment	17·9	12·4
Fine	74·6	80·2
Whipping...	8·6	8·5

Viewed by itself, this comparison appears to convict the Magistracy of further leniency towards offenders, but such is not the case. The reduction in severity of the sentences is the joint result of an increased proportion of committals for the graver crimes—*viz.*, 1·1 to ·06 per cent.—and of a very large falling off in serious crime, thus—

Dacoity	decreased from	1	to	0	cases.
Robbery	ditto	13	,,	2	do.
House-breaking	ditto	78	,,	34	do.
Theft	ditto	989	,,	744	do.
Murders	ditto	13	,,	5	do.
Hurt by dangerous weapons ...	ditto	33	,,	20	do.
	Total ...	1,127	Total ...	805	

On the other hand—

Extortion	increased from	1	to	4	cases.
Possession of stolen property ...	ditto	78	,,	87	do.
Grievous hurt	ditto	10	,,	13	do.
Hurt	ditto	24	,,	63	do.
	Total ...	113	Total ...	167	

The net decrease in these crimes is 278 cases, and 300 in all non-bailable cases, or more than sufficient to account for the reduced range of sentences. It may be further remarked that the only important increase has been in hurt and in stolen property cases. The latter are a class *sui generis:* they are never reported unless detected, and any increase in this direction is merely a symptom of Police activity. The large access to hurt cases is apparently due to the fact that the offence is shown as a cognizable crime for the first time in 1875.

14. The success of the Police in operating against the thief-gangs and the Loobyo *goungs* is much to be commended, though the matter would have been more appropriately noticed in the Police report. The detention of witnesses is still far from satisfactory, but the relation between the number of them and the number of cases is more intelligible than it was last year.

15. In the Courts subordinate to the Judicial Commissioner there were 24,793 (including 104 from Northern Arakan) suits instituted, and 24,806 disposed of during the year. In the cases instituted there was an increase of 936, equal to 3·9 per cent. In last year's resolution, paragraph 22, it was estimated at 2·5 per cent., a rate which would apparently have obtained but for the creation of the Thonkwa district, which supplies most of the excess, even allowing for the corresponding decrease in Henzada and Rangoon. Bassein and the town of Moulmein contribute the remainder of the increase. In neither case is it remarkable. The Deputy Commissioner of Bassein is probably correct when he attributes the results he shows to the greater accessibility of some of the interior Courts, by reason of redistribution of territorial jurisdiction among them. The panic that prevailed during the earlier months of the year undoubtedly caused Burmans to crowd for decrees in Rangoon, and the contagion probably extended to Moulmein.

16. The disposal of cases since 1870 has been as follows :—

Year.	Number of suits disposed of.	Value.
		Rs.
1870	22,325	18,76,691
1871	22,068	18,51,773
1872	21,236	16,46,405
1873	23,460	16,52,900
1874	23,802	17,89,657
1875	24,806	19,36,100

The average value of each suit advanced from Rs. 70 in 1872 to Rs. 73 in 1874, and to Rs. 78 in 1875. This high average is principally the result of a falling off in litigation of 359 in cases of Rs. 5 and under, and of an advance of 438 in cases between Rs. 20 and Rs. 100, of 538 in cases between Rs. 100 and Rs. 500, and of 206 in cases between Rs. 500 and Rs. 3,000. There is certainly no cause for regretting the direction in which litigation is tending.

17. Of the 24,806 cases disposed of, 9,814, or 39·5 per cent., were decided after a contest in Court, 14,894 were uncontested

or referred to arbitration, and 98 were transferred. The number of dismissals *ex-parte* and for non-appearance has declined. The diversity of the results exhibited by different districts in these matters is very great. *Primâ facie*, it may safely be laid down as an axiom that, *cæteris paribus*, the proportion of contested cases will be sensibly influenced by the numbers brought on written agreements, and that those districts which show the greatest per-centages of contested cases will also show the longest average duration for their cases. The accompanying table gives the position of the different districts in these respects :—

Order.	District.	Per-centage of contested cases.	Order.	Per-centage of cases brought on written instruments.	Order.	Average duration of contested cases.
1	Tavoy	69	1	76	1	15
2	Amherst	51	8	30	5	12
3	Henzada	49	14	18	3	14
4	Sandoway	44	9	28	8	9
5	Kyouk-hpyoo ...	43	11	27	6	10
6	Toungoo	42	7	31	14	4
7	Shwe-gyeen... ...	41	9	28	1	15
8	Bassein	39	13	24	11	8
9	Prome	37	15	15	8	9
	Akyab		12	25	11	8
11	Thayetmyo	34	2	75	8	9
	Mergui		5	50	11	8
13	Moulmein	33	4	55	Not given.	
14	Thonkwa	29	6	47	6	10
15	Rangoon	28	8	65	4	13

The truth of the thesis is remarkably borne out by the two first columns of the comparison. Rangoon, Thonkwa, Moulmein, Mergui, and Thayetmyo have the smallest proportion of contested cases, and every one of them shows a very much larger per-centage of suits filed on written contracts than any other district of the province except Tavoy, whose case in every respect is clearly exceptional. With reference to this district, it may be noticed as a striking peculiarity that it exactly reverses the position taken up by Mr. Quinton in paragraph 30. With the exception that the outlying portions of this district are not very populous, and the litigation from them, perhaps, inconsiderable, the Courts of the Extra Assistant Commissioners are worse situated for the convenience of suitors than elsewhere; yet the proportion of contested cases is much higher

than elsewhere. The duration of contested cases is sensibly, though not equably, affected by the proportion of such cases decided. The absolute number of such would furnish the proper test of duration. However this may be, it is somewhat curious that the test applied should be so far correct that the first five on the list in the matter of contested cases should all show high averages of duration. Rangoon and Shwe-gyeen are the worst. Toungoo appears to err in the opposite direction. An average of four days for contested cases suggests a practice of fixing the return of summonses at too short dates. The matter is one which cannot be dealt with on general grounds; but, as a rule, the Chief Commissioner is indisposed to attach any importance or credit whatever to figures which show a less duration than 10 days for this class of suits. The real test of dilatoriness in work is exhibited much more plainly by the table which details the detention of witnesses; and here ample ground for unfavourable comment is apparent. Rangoon appears without any excuse, Thonkwa is little better, and generally all the districts of the Pegu division, except Thayetmyo, show badly. The excuse of the pressure of executive work is applicable as much to other districts where such delays do not exist, and is therefore not tenable. District officers must apply reforming agency in this direction, and they may totally disregard the appearance of the tables showing the average duration of cases, so long as those do not exceed 10 days.

18. The text of the report and the statements do not seem to agree regarding the number of appeals. From the latter, it would appear that 1,297 civil appeals were filed, and 1,310 decided. Of these, 40 per cent. were in some degree upheld —a further deterioration in the quality of original Civil Judicial work. In 1874 the per-centage of such appeals was 36. It is remarkable that, of 13 appeals heard from the decisions of Colonel McMahon, every one was reversed.

19. The Judicial Commissioner notices with surprise the small per-centage of suits prevailing in the province for immovable property. Excepting the newly-established district of Thonkwa and the small and distant districts of Tavoy, Kyoukhpyoo, and Sandoway, the suits of this class were insignificant in number, and show a falling off from last year. It may be that, in the excepted districts, the area of culturable land is small, and the demand for it, therefore, greater; but in the province generally, the fact of a sparse agricultural population, compared with the wide extent of land available for every kind

of cultivation, gives the readiest solution to the anomaly. The Burmese evidently are not fond of litigation; and, apart from this, people may naturally prefer the light labour of making a new settlement on land which is easily obtainable, to seeking redress for proprietary rights based upon no definite law. As population increases, and the provisions of the revenue law recently enacted become familiar, there is little reason to doubt that questions regarding inheritance of joint ancestral estates and proprietary rights in immovable property will be as common as elsewhere.

20. The criminal returns for the district courts show a total of 22,706 offences reported, for which 32,788 (Statement II.) persons were put on their trial. The unsatisfactory condition of "reporting" has already been commented on *(ante*, page 7). The proportion of cases reported to persons tried (not persons tried to cases reported, paragraph 16 of report) was 69 per cent. Turning to Statement III. for the results of the trials, it appears that 20,762 were convicted, and 10,490 acquitted or discharged. The Sessions Courts disposed of 196 persons. The distribution of punishments was as follows:—

Description of punishment.	1874.	1875.
Death	22	33
Transportation	28	40
Solitary confinement	10	120
Rigorous imprisonment	4,802	4,221
Simple imprisonment	206	295
Fine (only)	15,969	14,246
Whipping	744	1,000
Surety and recognizance, &c.	1,270	1,118

It is gratifying to find that eventually the Courts have taken advantage of the clauses of the criminal law permitting sentences of solitary confinement, and that the larger jails are at last in a position to execute them. The proportions of sentences of rigorous imprisonment and of taking security and recognizance remained the same in both years. The proportion of fines decreased, and of whipping increased. In both cases the

change is for the better, though even yet a sufficiently liberal use of the whipping law is by no means made. The per-centages of punishments in the two years are—

Description of punishment.	Per-centage to total punishments.	
	1874.	1875.
Rigorous imprisonment	19·0	19·1
Fine (only)	70·8	64·5
Whipping	8·2	4·5
Sureties and recognizances	5·6	5·6

21. In the matter of the detention of witnesses, Kyoukhpyoo, Amherst, and all the districts of the Pegu division, except Bassein, have done badly. As on the Civil side, Rangoon is again much the worst defaulter. An identical plea—*viz.*, press of work in other directions—is made here as in the other report. The practice of explaining delays and procrastination in each department by allegations of press of work in every department, other than that immediately reported on, is a mere circular argument, and one by no means satisfactory.

22. There were 1,561 persons who applied for revisions of sentences, or appealed ; and of the 1,501 persons whose cases were decided, ·38 secured a modification in some part of the original orders.

23. As regards the grant of summary powers, the Chief Commissioner concurs in the views expressed in the report that these should be restricted to officers of mature judgment and experience. It is only in rare instances that the pressure of work is so great as to make it desirable to vest Magistrates with such powers, and caution will always be exercised in conferring them.

24. The Chief Commissioner has to record his acknowledgments to Mr. Quinton for his careful supervision and direction during the year of the most important department of the public service under Government. Apart from the judicial work of his own office, in his frequent tours of inspection to different districts and personal communication with the Native Magistrates and Civil officers he has rendered a very valuable service. He has brought to bear upon this duty the

experience gained in a province more advanced, and among a people probably more fitted, by habit and natural aptitude, for the proper discharge of judicial functions. It has appeared to him no doubt, as it certainly has to the Chief Commissioner, that very many of the Native officers in British Burma are backward in the knowledge of our Procedure Codes, and that, possessing very slender legal attainments, they stand in need of the plainest instructions as to the nature of their duties. Such a state of things is unknown, and would not be tolerated in India, where the natives have always shown a strong predilection for legal pursuits and studies; and, indeed, it would be unfair to make any comparison in these respects between other Indian Administrations and British Burma, which has been a British possession for scarcely twenty years. Here we can only compare ourselves with ourselves, and, looking back at the past in the country, and knowing the state of the society to which we succeeded, there is, in the Chief Commissioner's opinion, just ground for congratulation as to the degree of progress attained. Admitting the great room for improvement which yet remains, no impartial person will deny that, since 1852, the population have made progress in gentleness and humanity. Organized crimes of rapine and violence have considerably decreased in actual numbers—immensely decreased in proportion to the increase of population. Each year brings with it an accession of civilizing influences; and as roads and railways are opened, and education and regard to sanitary improvements progress, we may look here, as elsewhere, for greater moral triumphs. It is reasonable to hope that the administration of justice will keep pace with the growing material prosperity of the province, and that the present system of a rather rough-and-ready justice, not unacceptable to the people, will gradually give way to a more regular administration of the civil and criminal laws. Objections, it is known, are urged against the many technicalities of the system, and the frequency of repeated appeals. Such objections must be resisted. They mark prominently the transition state through which the province is passing, in which a settled plan of procedure and law is taking the place of arrangements under which, it may be conscientiously enough, each officer did what was right in his own eyes. Where the English Magistracy is very small in numbers, and the native agency very large, a well-regulated system of appeals and supervision is not only beneficial, but absolutely necessary for the maintenance of Government, and for such supervision the Chief Commissioner is glad

to think he has the assistance of Mr. Quinton's services. In the meantime, while our strictures and punishments must be unsparing in the presence of any form of corruption and bribery; deficiencies, which are the result of inexperience and ignorance, demand our toleration and patience.

By order of the Chief Commissioner,

C. W. STREET, MAJOR,
Officiating Secretary.

REPORT

ON

CIVIL AND CRIMINAL JUSTICE

IN

BRITISH BURMA,

For 1875.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

From the Judges of the Special Court, British Burma, to the Junior Secretary to the Chief Commissioner, British Burma,—No. 6, dated the 8th April 1876.

WE HAVE the honour to submit the Annual Report of the Special Court of British Burma for the past year.

SPECIAL COURT OF BRITISH BURMA.

1. CIVIL.—During the year 1875 there were fourteen appeals preferred from the decision of the Judge of the Town of Moulmein, and four were pending at the close of the year 1874—thus there were eighteen appeals for disposal.

The following table shows the result of these:—

	Dismissed by default	Confirmed.	Modified	Reversed	Pending
	1	7	2	5	3

2. There were three references made by the Judicial Commissioner to this Court under section 70 of the Burma Courts Act, 1872:—

(*a*)—The first case raised the question as to what law should form the rule of decision in a suit for divorce from a Mahomedan husband brought by a Burmese woman professing the Buddhist faith, but at the time of her marriage simulating conversion to Islam and married with Mahomedan ceremonies, and whether our Courts could grant a divorce in such a case where no fault is established on the

husband's side. It was decided that the rule of decision was the Mahomedan law, and that our Courts could not grant the divorce prayed.

(*b*)—The second case was a reference to the Judicial Commissioner, which he referred to this Court for its opinion: whether the words "personally interested" occurring in section 21 of Act VII. of 1872 are properly translated in the Burmese version of the Act by words meaning "cases in which *relations* are concerned." The Court was of opinion that the translation is erroneous, as it does not convey the meaning of the English words which embrace not only interests arising from personal connection with either of the parties, but also motives, sympathies, or considerations which, in the ordinary course of things, are likely to sway the mind of the Judge from that equipoise which it should maintain between contending parties; and that in the case in question the fact of the plaintiff being the daughter of the Judge rendered him unfit by reason of such relationship to try the case; and that even if he had been asked by the parties to take it up, he ought to have declined to do so without the permission of the Chief Commissioner, and should have followed the procedure laid down in such cases in section 21 of the Act.

(*c*)—The third case was an appeal in a suit for division of ancestral property, and the question referred was whether the Burmese law of inheritance which the Courts in British Burma are bound to administer is affected by the Limitation Act; it was ruled that, in cases of adverse or hostile possession, the law of Limitation did apply.

3. The income realized from stamp fees amounted to Rs. 1,309-4-0, whilst the expenditure was *nil;* the ministerial duties of the Court having, up to the passing of the Burma Courts Act, 1875, been performed by the Judicial Commissioner's establishment.

4. By the recent Act as appeals have now to be filed in the Court itself, and not in the Judicial Commissioner's or Recorder's Court as formerly, as the case might be, we have, in accordance with the powers conferred by section 74, appointed an establishment, consisting of a Registrar, Clerk, Record-keeper, Duftry, and Peon, to take effect from the 1st of the current month, subject to the sanction of the proposed salaries by the Chief Commissioner.

5. CRIMINAL.—During the year 1875, there were nine appeals from the sentence of the Recorder exercising the powers of a Court of Session, all of which were rejected.

6. There were three criminal references:—

(*a*)—One by the Recorder of Rangoon under section 263 of the Criminal Procedure Code, in a case in which he disagreed with the verdict of the Jury. The Court was of opinion that it had no jurisdiction to entertain the reference.

(*b*)—The second was also from the Recorder under section 70 of the Burma Courts Act, 1872, as to whether his Court had jurisdiction to try an European British subject for an offence said to have been committed at Cuddalore in the Madras Presidency during a voyage of a vessel, on board of which the accused was a seaman; the Court was of the same opinion as the Recorder, that on the facts of the case he had no jurisdiction.

(*c*)—The third was by the Judicial Commissioner, under section 70 of the Burma Courts Act, which raised a question as to whether a trial by Jury by the Court of Session held by the Judge of Moulmein was legal, inasmuch as the local Government had not ordered such trials to be by Jury. It was held that, if it appeared from the evidence that the prisoner had not been prejudiced thereby, and the verdict was a correct one, the trial, though informal, was not in consequence invalid.

7. The business of the Court during the last year presents nothing calling for particular observations. Upon the whole, it was less than in 1874. The number of civil appeals disposed of is less by five than in the previous year, whilst the number of references is the same

Of criminal appeals there was one in excess of 1874, whereas the references in criminal cases were two more.

8. By the Burma Courts Act, 1875, a more extended jurisdiction has been conferred upon the Court than it possessed under Act VII. of 1872—such as appeals from the Recorder acting in his insolvency jurisdiction, and appeals from the Judicial Commissioner in the exercise of such civil jurisdiction as may be transferred to him under section 23; and it has been declared by section 79, both for the purposes of appeal and otherwise, a High Court with reference to all trials and sentences of the Recorder and Judicial Commissioner acting in the exercise of any original criminal jurisdiction, including jurisdiction transferred under section 36 of the Act.

9. As the Act has been in force for so short a time, we do not consider it necessary to make any criticisms upon it or the changes that it has effected in the Court; we prefer that it should first be submitted to the test of experience, which probably the current year will afford to show whether or not it meets the requirements of the province.

C. J. WILKINSON,
J. W. QUINTON,
Judges of the Special Court, British Burma.

RANGOON;
The 8th April 1876.

COURT OF THE RECORDER OF RANGOON.

Report of Civil and Criminal Justice of the Court of the Recorder of Rangoon for the year 1875.

CIVIL.—The number of suits pending at the close of the year 1874 was thirty-seven regular, and fourteen miscellaneous suits, or a total of fifty-one suits. The number of suits instituted during the year 1875 was 121 regular and 317 miscellaneous, or altogether 438; there were, therefore, on the files of the Court during the year 158 regular and 331 miscellaneous suits, or a total of 489 suits, of which 141 regular and 315 miscellaneous, total 456, were disposed of. In the year 1874 the number disposed of was 124 regular and 258 miscellaneous suits, or in all 382 suits. At the close of the year there were seventeen regular and sixteen miscellaneous, or a total of thirty-three suits pending.

2. With regard to the seventeen regular cases pending, the following statement will explain why they remained undecided:—

Two cases of 1872 (cross suits) were referred at the request of the parties to Commissioners, to take the accounts which were in Gujeratti.

Two cases—one of 1872 and the other of 1873—between the same parties, *Mirza Mahomed Ally Sherazee* vs. *The Bombay Burma Trading Corporation*, in which several commissions to examine witnesses were issued, as mentioned in paragraph 2 of my report of last year, were adjourned at the particular request of both parties to February of this year, in order that the Burma Courts Bill then pending might become law before they were heard, and to enable one of the Counsel for the defendant to return from England.

One of 1875 was delayed on account of a commission which issued to examine witnesses residing in the Madras Presidency.

Another of the same year was filed on the 13th October, a day before the Court closed for the vacation. It stood over to await the result of other litigation in hopes of an amicable settlement. The other eleven cases were filed between the 29th November and 24th December, in which either summonses had not been served or were not returnable; or commissions had been issued and were not returnable when the Court closed for the Christmas holidays. But at the latter date there was no suit undisposed of that was ready for hearing.

3. As regards the miscellaneous cases, eleven were decrees received by transfer, the parties in which had taken no steps to execute them, three were applications for revivals of decrees against defendants residing out of the jurisdiction of the Court, and two were applications for letters-of-administration which were not ready for hearing.

4. The total value of suits instituted during the year was Rs. 4,20,824, and the value of Court fee stamps filed during the year in regular and miscellaneous suits was Rs. 23,350, being an increase on the previous year of Rs. 9,255; the value of suits instituted in 1874 being only Rs. 2,82,008, and the value of Court fee stamps filed, Rs. 14,095. The value of suits disposed of during 1875 was Rs. 6,80,537. In the previous year the value was only Rs. 3,21,441.

5. The subjoined table gives the abovementioned particulars in comparison with the year 1874:—

Year.	Number of regular suits instituted during the year.	Number of miscellaneous suits instituted during the year.	Total number of suits instituted during the year.	Number of regular suits disposed of during the year.	Number of miscellaneous suits disposed of during the year.	Total number of suits disposed of during the year.	Number of regular suits pending at the close of the year.	Number of miscellaneous suits pending during the year.	Total number of suits pending during the year.	Value of suits instituted during the year.	Value of stamps.	Value of suits disposed of during the year.
										Rs.	Rs.	Rs.
1874 ..	124	257	381	124	258	382	37	14	51	2,82,008	14,095	3,21,441
1875 ...	121	317	438	141	315	456	17	16	33	4,20,824	23,350	6,80,537
Increase ..	...	60	57	17	57	74	..	2	...	1,38,816	9,255	3,59,096
Decrease ...	3	.	..	.	..	...	20	..	18	...	..	..

6. The average duration of regular contested cases during the year under review was three months and thirteen days, and of uncontested cases thirty-one days. One reason for the seemingly long duration of contested suits is that the number was greater than in the previous year, being ninety-eight against seventy-seven; besides one case of 1873, which was filed in the beginning of that year, in which two commissions, the first having become inoperative, were sent to Australia, was not disposed of until October 1875, and was on the files 1,003 days. Also several cases of 1874 (nineteen in number) were pending for periods extending from 150 to 446 days by reason of reference to Commissioners to take the accounts which were in Gujeratti or Tamil, or to examine witnesses out of the jurisdiction of the Court. Where the number of cases disposed of is not great, the average duration of each case for any year is considerably increased if a large proportion of those tried are suits of previous years. This was the case in 1875, hence the high average duration of the suits. In the previous year it was two months and twenty-two days and five months and twelve

days, respectively. The longest period during which any case had been pending at the close of the year 1875, was three years, five months, and fourteen days. This case and another between the same parties are the same as those referred to in paragraph 7 of last year's report; and the reason why they have not been disposed of is that the Commissioner, to whom the matters had been, it was hoped, finally entrusted, and who had been ordered to file his report by the 11th April 1874, left Rangoon without doing so. They had consequently to be taken up afresh, and the accounts gone into by new Commissioners, who are to file their report on the 31st of the current month. From the progress they have made in investigating the Gujeratti accounts, I hope the cases will now shortly disappear from the Court files where they have certainly remained an unprecedently long time. Omitting the two suits last referred to, and the other three referred to in paragraph 2 of this report, the case longest pending at the close of the year had been on the file for two months and eighteen days.

7. The number of cases of 1873 and 1874 disposed of during the year 1875 was thirty-three; of these thirty were contested and three uncontested, and the average duration of each was six months and nineteen days and three months and two days.

8. Excluding those last abovementioned, the average duration of suits instituted and disposed of during the year 1875 was in contested cases two months and three days, and in uncontested twenty-seven days; or, taking all the cases disposed of during the year, the contested and uncontested together, the average duration was two months and twelve days.

9. The subjoined table shows the nature and number of miscellaneous cases filed during the year :—

Name of Miscellaneous.	Nos.
Reference from Small Cause Court	27
Memorandum by Judicial Commissioner under Section 70, Burma Courts Act ..	3
Proceedings under the Land Acquisition Act..	3
Application for review of judgments	8
Ditto to sue in *formâ pauperis*	10
Ditto for letters of administration and probate	36
Ditto for removal of attachments	16
Ditto for discharge from custody	4
Ditto under the Minor Act No. XL of 1858	2
Ditto Act XXXV of 1858 (Lunatic Act)	1
Ditto under Section 4 of Act XXIII of 1861 for an order to Small Cause Court to entertain a suit when one of the defendants reside out of the Jurisdiction	19
Ditto by advocates for license to practice in Courts subordinate to the Recorder..	8
Processes forwarded by other Courts for service on defendants residing within the jurisdiction of this Court	21
Applications for execution of decrees	136
Other miscellaneous suits	23

10. The seven cases under the Land Acquisition Act, which were pending at the close of the year 1874, were disposed of during the year 1875, together with three others, which were referred during the year.

They related to land taken up for Railway purposes. The costs of the trials of several of these cases might have been saved to the Government, if at all adequate compensation had, in the first instance, been offered to the owners of the land.

11. There were two applications filed during the year under the Insolvent Act, which was extended to this Court by Act XVII. of 1875,—one was disposed of during the year, and the other remained pending.

12. During the year 1875, there was one review of judgment, wherein the decree with regard to costs was modified.

13. Two cases in which decrees for dissolution of marriage were passed by this Court in 1874, under the Indian Divorce Act, were referred to the High Court at Fort William for confirmation, and both were confirmed.

14. There were two appeals preferred to the High Court of Judicature at Fort William from decrees passed by this Court. These were pending at the close of the year. Of the two appeals which were pending at the close of 1874, one was subsequently withdrawn by the appellants, and, in the other, the decree of this Court was reversed.

15. The total revenue of the Court during the year 1875 amounted to Rs. 24,652, and the expenditure to Rs. 43,748, showing an excess of expenditure over receipts of Rs. 19,096, as will be seen by the following tabular statement :—

RECEIPTS.	Rs.	A.	EXPENDITURE.	Rs.	A.
Amount realized by Court fee stamps	23,350	0	Recorder's salary	30,000	0
Ditto by stamp penalty ...	34	8	Establishment, after deducting two-thirds of bailiff's salary, and Rs. 70 a month of the process-serving establishment, which is debited to the Small Cause Court	12,464	0
Ditto by *tullubana*... ...	1,146	12			
Ditto by fines	119	4			
Ditto by sale of empty stationery cases ...	1	13			
			Contingencies	703	11
Total ...	24,652	5	Expenses of witnesses in criminal cases	581	0
Excess of expenditure over receipts,	19,096	6			
GRAND TOTAL ...	43,784	11	Total ...	43,748	11

16. In 1874 the total revenue of the Court amounted to Rs. 15,310, and the expenditure to Rs. 46,320, showing an excess of expenditure over receipts of Rs. 31,010.

17. CRIMINAL.—During the year 1875 there were forty-four cases committed to the Recorder's Court as a Court of Session. Of these, seventeen were committed by the Magistrate, and twenty-seven by the Assistant Magistrate of Rangoon. There were three cases in which European British subjects were committed to the Court as a High Court,—one by the Magistrate of Moulmein; one by the Deputy Commissioner of Basscin; and one by the Assistant Magistrate of Rangoon,—making

in all forty-seven criminal cases. Of these, forty-four were disposed of during the year, leaving three pending, including the case of conspiring to wage war against the Queen, which were not committed till after the last sessions of the year.

18. In one case, in which I disagreed with the verdict of the jury, a reference was made to the Special Court under section 263 of the Criminal Procedure Code, although I entertained a doubt as to that Court being "the High Court" within the meaning of the Procedure Code. The Special Court was of my opinion, and ruled that it had no jurisdiction to entertain the reference. I was consequently obliged to accept the verdict of the jury; but I sentenced the accused to merely a nominal punishment. This defect of procedure has since been remedied by Section 79 of the Burma Courts Act of 1875, which makes the Special Court, with reference to all trials by the Recorder in the exercise of his original criminal jurisdiction, and to sentences passed thereon, a High Court not only for the purpose of appeal, but of reference.

19. An European British subject was committed by the Assistant Magistrate of Rangoon to my Court as a High Court, charged with having committed an offence at Cuddalore in the Madras Presidency, upon a voyage, not then terminated, of a vessel on board of which the accused was at the time serving as a seaman; but as I was of opinion that the voyage had ended at Cuddalore, and that a new voyage which terminated here had, after the date of the alleged commission of the offence, commenced at Cuddalore, and consequently that the High Court of Madras alone had jurisdiction, I referred the question to the Special Court under Section 70 of the Burma Courts Act VII. of 1872 for its opinion. The Court decided according to my view of the case, and I therefore dismissed the charge, and left the Assistant Magistrate to take such steps as he was able to bring the accused to trial before the proper tribunal.

20. There were twenty criminal appeals from the decision of the Magistrate, and nine from the Assistant Magistrate, or twenty-nine in all.

The results of these are given in the following statement:—

From what Court.	Rejected.	Confirmed.	Modified.	Reversed.	Quashed.	Total.
Magistrate	6	8	4	1	1	20
Assistant Magistrate	2	2	1	2	2	9

21. The criminal appeal pending at the close of the year 1874, which had been referred to the High Court at Fort William under Section 47 of the Burma Courts Act, 1872, was disposed of during the year by this Court, the High Court having ruled that they had no

jurisdiction to give an opinion on the points referred, as under the Burma Courts Act, questions on points of law, &c., which arise in *civil suits only* could be referred. The Magistrate's decision was modified by that part being quashed which directed the Captain of the S. S. *Busheer* (the appellant) to pay Rs. 14,000, the estimated expenses of removing certain sand ballast thrown overboard within the limits of the port lying between the Krishna Light-house and China Buckeer.

22. In 1874 there were forty-five trials by the Court of Sessions and one as a High Court, and there were nineteen appeals. The following table shows the figures for the last three years :—

Year.	Sessions cases.	Criminal appeals.
1873	43	16
1874	46	19
1875	47	29

23. Besides the above appeals, there were eight criminal miscellaneous cases, namely :—

(1)—An enquiry under the Merchant Shipping Act XV. of 1863, where the master, Captain W. T. Hart, of the S. S. *Dacca* was charged with having collided with the Italian vessel *Michelino*, and thereby causing serious damage, which was dismissed.

(2)—An enquiry under the Merchant Shipping Act IV. of 1875, where the master, Thomas Lloyd, of the barque *Phæton*, was charged with incompetency and misconduct. In this case the certificate of the master was suspended for six months.

(3)—An application by a prisoner sentenced by this Court sitting as a Court of Session for permission to prosecute a witness for giving false evidence against him, which petition was rejected.

(4)—An application by an European soldier, praying that the sentence of imprisonment passed on his wife by the Assistant Magistrate, for theft, might be modified, by a fine being imposed on her. The Court declined to interfere with the Assistant Magistrate's decision.

(5)—An application under Section 297 of the Criminal Procedure Code, stating that the Assistant Magistrate had made an error in discharging an accused, and therefore that he should be ordered to re-try the case. The application was refused, the Court being of opinion that the Assistant Magistrate was right.

(6) and (7)—Were proceedings from the Magistrate of Rangoon under Section 297 of the Criminal Procedure Code for revision of the excessive sentences passed by him : in one case

the accused also appealed, and the finding and sentence were reversed ; in the other case, the sentence was modified.

(8)—A memorandum by the Judicial Commissioner under Section 70 of the Burma Courts Act, 1872, wishing to have the assistance of the Recorder in determining the question whether a trial by jury by the Court of Session held by the Judge of Moulmein was legal, inasmuch as the local Government had not ordered such trials to be by jury.

24. During the year there were nine appeals to the Special Court from sentences passed by the Recorder as a Court of Session, all of which were rejected without the prosecution being called upon to appear.

25. The foregoing statistics do not show any increase in the contentious business of the Court over that of the previous year. This fact somewhat supports the opinion I had formed, and expressed in my last year's report, that the number of suits filed in the previous three years was a fair measure of the amount of important litigation in Rangoon, and that, unless some special circumstances intervened to cause it, no marked alteration need be expected for some time. It is, however, remarkable that, in such a large town as this is, with so large a commerce, more cases are not brought into Court ; but be the cause what it may, it is the fact that there is not much litigation of an important description. As the statistics of the Court of Small Causes show, it is generally of a petty character, and for the most part arises out of transactions and dealings with small traders and shop-keepers, money-lenders, and the poorer and lower classes of the community ; for out of the 5,483 suits filed in that Court during the past year, nearly three-fifths were under Rs. 100 in value, whilst only in 193 was the subject-matter of the suit valued at sums over Rs. 500 and less than Rs. 1,000. The depressed state of trade for some months of last year may be supposed to have had something to do in causing a lethargy in litigation ; but I am not inclined to attribute much, if anything, to this circumstance. It was just as likely to have added a few more cases to the file, as to have diminished them to the same extent. I have at any rate not been able, having regard to the class of cases and the nature of the litigation, to discover that our late unsettled political relations with Upper Burma exercised any influence on the business of the Court.

26. Although the number of regular suits filed was less by three than that of the preceding year, their aggregate value was considerably greater, and consequently the revenue of the Court from stamps was larger by Rs. 9,255. The miscellaneous business, however, was considerably larger, and though a great deal of it was of a simple character, being mere matters of course, some of it was very important. I only propose to touch upon two of the subjects set out in the table, *viz.*—the references from the Court of Small Causes, and applications for letters-of-administration. The former, it will be observed, are a comparatively large increase over those sent up in the previous years, and indicate a growing tendency on the part of the First Judges of the Court to be guided in doubtful points of law by the opinion of a higher Court, instead of putting their own con-

struction upon them, for, in many of these, it was optional to them to refer them. It is a practice to be commended, as it prevents diversity of interpretation by affording the Court an authoritative rule of decision, which it can apply in similar cases afterwards. No references are ever sent up by the Second Judge. It may be that no difficulties ever present themselves to him.

27. With respect to the applications for letters-of-administration, it will be seen that they are fewer than in the year before; and what I conceive to be to some extent the cause of it, affords matter for grave consideration, more especially in respect to its consequences. During the first year I presided over the Court, I was frequently surprised to find applications made for administration to the estate of deceased Burmans by the alleged next-of-kin, in many of which cases there was no estate to get in, or debts to pay, whilst the assets were invariably stated to be land or houses within the jurisdiction of the Court. This caused me to examine subsequent applicants as to their reason for wishing a grant, seeing that it would cost them two per cent. on the value of the estate, and that, according to the Succession Act, they were not compelled to take out administrations to the estate of a Buddhist. I invariably found that it was wanted to present to the Registrar of Town and Suburban Allotments, in order to get the property transferred from the name of the deceased into their own names, so that they might become the registered owners. This was, in my opinion, putting letters-of-administration to a purpose for which they are not applicable. No doubt they vest in the administrator all the estate of the intestate, and he is entitled as such administrator to hold the deceased's lands as the legal owner, but, nevertheless, in trust for those amongst whom the property is divisible. The object in all these cases was to enable the applicant not to be registered as having a qualified legal title to the land, but as the absolute owner, for the rules for the registration of the town and suburban lots purport to give not merely a right to possession to the person in whose name the property is registered, but a right of ownership, and declare that "the registered owner alone shall be recognized by the Courts,"—whatever that expression may mean. The consequence of this practice I have found to be very pernicious, as the records of this Court amply prove; for it has oftentimes deprived of all their rights those who were equally entitled with the administrator to share in the property, and in some cases a better and prior right; as, for instance, where a relative more remote than they, or the "next friend" of the deceased had obtained administration. These persons, by virtue of their having obtained letters-of-administration, get their names inserted in the register, and then as often as not proceed to sell, mortgage, or otherwise alienate the property as if it was their own; whilst the parties dealing with them suppose, from the declaration contained in the Land Rules, that they are obtaining an unimpeachable title. As the avowed object of the applicants was not to administer the estate according to law, but to obtain a document that would satisfy the Registrar that they were related to the deceased person, whose property they wanted transferred to their

names, I have now adopted the course of refusing to grant administration for such purposes, because they are contrary to the proper intention and object of the grant, and also because, under the 331st section of the Indian Succession Act, although they may be granted for the purpose of getting in the estate and dealing with it according to law, it is expressly provided that it shall not affect the right of succession to a Buddhist's estate, which they certainly are allowed to do, when the Registrar, without reference to the order of succession, treats the person to whom they are granted as the sole person entitled to be declared the owner of the property. This action of mine may have lessened the number of these applications, but it has not stopped the registration of the names of such applicants; and the fear now is that, inasmuch as the Registrar has no judicial capacity as such to take evidence, and can therefore only examine such persons as the applicants choose to bring before him as to their relationship to deceased persons, parties will have an easier road to registration than they had before, when the Court was able authoritatively to investigate the rights of such people to administration; for now they make their applications to the Registrar, and he proceeds under a rule, published at pages 270 and 271 of *Fryar's Hand-book of British Burma*, apparently made in 1859, but which has not the effect of law, for it has never been authorized, so far as I can ascertain, by the Governor-General in Council, and consequently has no force by reason of Section 25 of the 24th and 25th Victoria, Chapter 67, to investigate the applicant's title, and if he has made it out to his satisfaction, he then registers his name.

28. I will illustrate the effects produced by the working of these rules, and show how easily rights may be undermined and lost through them, by instancing a case which came before me only a few months ago. I might instance others, but this one will be sufficient for my purpose. The plaintiff, one Russool Beebee, was entitled to certain land in Rangoon by inheritance from her grandmother, one Mah Khai, a Burman, as the only child of Mah Phaw, the daughter of Mah Khai. The father of Russool Beebee had had besides her mother, Mah Phaw, another wife, by whom he had two sons, Moollah Ismail and Moung Kan. Mah Phaw died when Russool Beebee was nine years old; and shortly after her mother's death, she went to Mandalay, and remained there until recently. During her absence, Moung Kan applied to this Court for letters-of-administration to the estate of Mah Khai, alleging himself to be her heir. The application was refused, and he then applied to the Registrar of Town Lots to have the property, which stood in Mah Khai's name, transferred to his. The usual notices were apparently issued, and no one appearing to oppose the transfer, his name was placed on the register, it being stated thereon that he was registered "by inheritance." What evidence more than the allegation of heirship in the petition was taken, does not appear. Shortly after this, Moung Kan being about to leave Rangoon, he had the land transferred into the name of one Aga Ahmed Teheraney, his agent, to keep for him till he returned, who, as soon as he got possession of it, mortgaged it to secure advances to himself. Fortunately for her, in this case Russool Beebee was able to recover her property, for the advertisement of sale

came to her notice, which is not often the case, with the Registrar's notices published in the official *Gazette*.

29. The necessity of an alteration in these rules was recognized by the Chief Commissioner in 1872, and considerable correspondence thereon ensued, in all of which the necessity was admitted. A set of new rules were drawn up to meet the requirements of the case; but, as they would not have had the force of law, they were not acted upon. In December 1872, the Chief Commissioner invited the Recorder, the late Mr. Housman, to draft such a bill as he thought necessary to put this question of registration on a proper legal footing, but further than Mr. Housman stating his opinion on the subject at length, nothing was done.

30. For my own part, I think it would be advisable to do away with the rules altogether, for I do not see what useful purpose they serve. If some kind of registration, however, is deemed necessary for fiscal purposes, something else than a rule which purports to give proprietary right to anyone who may be able to satisfy the Registrar that he is related to the deceased, should be substituted, so that the rights of parties may not be dealt with in such a perfunctory manner as has hitherto been too much the practice; at any rate, the matter can only now be dealt with by the Legislature, and as it is of such pressing importance, it would be well if it were not any longer delayed.

31. There is one observation I would wish to make in respect to the reduction that appears in the cost of the establishment: last year it was stated to be Rs. 14,904, whereas this year it is put down at Rs. 12,464. This reduction has been brought about not by any diminution of the establishment itself, but merely by an adjustment of expenses between my Court and the Court of Small Causes. When the latter was established as a separate Court no bailiffs' establishment was formally assigned to it, and this work was performed, as it had previously been done, by the same bailiff and peons, so that all this time no charge under this head has been debited to the Court of Small Causes. As more than two-thirds of the bailiff's time and the entire services of six peons are taken up by the business of that Court, I therefore directed that two-thirds of Mr. Arrakiel's salary, and Rs. 70 per month, for the wages and expenses of peons, should be debited to that Court, in order that it should bear its proper share of the expense of this department—hence the seeming reduction in the cost of the Recorder's establishment and corresponding increase in that of the Court of Small Causes.

32. Before closing my report on the administration of the Recorder's Court, I would desire to make a few observations in regard to the alterations that have taken place in its jurisdiction by the Burma Courts Act of 1875. The extended jurisdiction which has been given to it will contribute considerably to its usefulness. Both the Admiralty and Insolvency jurisdictions have already been put in operation; but whilst I do not anticipate that any large number of cases will be brought under the former, there is every prospect that the latter jurisdiction will be frequently resorted to, as it becomes better known and understood by the mercantile and trading communities in the towns to which the Insolvency Act is extended. It will check, if it does not

entirely stop, the assignment to a single creditor of the entire effects of a debtor, which has hitherto been such a frequent practice, and which, in most cases, was done in fraud of the general body of creditors, but which it was so difficult to establish. In order that both jurisdictions may be made fully available and to prevent the Act becoming a dead-letter, for want of the requisite machinery in Moulmein, Bassein, and Akyab, it would be very desirable if the head clerks and bailiffs or nazirs of the Civil Courts at each place were appointed Officers of the Recorder's Court in these jurisdictions; and I should be glad if the Chief Commissioner sees no objection to their being appointed, to define the duties that would devolve upon them, and draw up instructions for their guidance.

33. I need not refer to the anomalous system of appeal provided by the Act, for that was recognized by the learned member of Council when the bill was brought in to be passed; but it would, I think, have been desirable, if provision had been made, that Civil appeals from the Recorder's Court should have been heard by the same divisional bench as hears appeals from the ordinary Civil jurisdiction of the High Court, for at present they may be heard by a bench of non-professional Judges. As the Civil cases that go up on appeal from this Court have generally to be decided according to English law and equity, and as now all Admiralty cases are appealable to the High Court, it seems to me that some provision should have been made as to the mode of hearing these appeals, and inasmuch as the Act was conferring a new jurisdiction upon that Court, it could not have been regarded in the light of an interference with its discretion in the distribution of its business, if the Legislature had directed that these appeals should go before a particular bench, or a bench constituted in a particular way. The Act, as regards the Recorder's Court, would have given more satisfaction if it had provided for this.

34. The power given to the Recorder, with the sanction of the Chief Commissioner, to modify the cumbersome procedure of Act VIII. of 1859, as regards the mode of recording evidence and delivery of judgments, will tend much to facilitate the business of the Court. The provision enabling evidence in certain cases to be taken on affidavit instead of *vivâ voce* would have been most useful and convenient; but, I fear, it will be inoperative by reason of an evident oversight, the Act being silent as to how these affidavits are to be taken. It has not conferred upon any Officer of the Court the power of a Commissioner to take them, or provided that the Judge shall have power to appoint one for that purpose.

35. I expect, too, some difficulty will arise with regard to costs in Vice-Admiralty cases. The scale of Court fees which obtains in the High Court was fixed in pursuance of the Statute 2, William IV., Chapter LI. by the Admiralty of England, and these are the only fees chargeable; whereas, in the Recorder's Court, "the Court Fees Act" obtains, whereby an *ad valorem* fee is charged on the institution of suits. It is therefore a question which course should be adopted. Then the fees payable to practitioners are drawn up with reference solely to the work done in a suit being conducted by two classes of professional men—Counsel and Proctors or Solicitors, one of whom is

not permitted to do the work of the other; whereas in this Court the Advocates are paid by a per-centage on the amount or value of the suit—a system of remuneration not recognized by the Vice-Admiralty Act. If they cannot be paid for their services, as they are in civil suits, they certainly would not be able to charge for separate items of work, merely because they had done it, the fees assigned in the table to an Advocate for Advocate's work, and those assigned to Proctors for Proctor's work. The result of which would be that they would get but little remuneration at all for their services, and a further result would, in consequence, ensue, that in no cases where it could possibly be avoided would suits be brought on the Admiralty side of the Court.

36. On review of the reports on the administration of the Court of Small Causes for the past year, the results cannot, I think, be considered as otherwise than most satisfactory. The year has been characterized by a marked increase in the number of suits instituted, and with it a corresponding increase of income, the nett profits of the Court being Rs. 26,522-1-11.

37. Notwithstanding the large increase of the business, it has been almost entirely disposed of within the year as the small arrears at the close of the year show. That the Judges have been able to do this, speaks much for their diligence and activity in the discharge of their important and onerous duties.

38. The returns show an increase in the duration of suits of both descriptions in the Court of the First Judge to a considerable extent, and also a trifling increase in the duration of contested suits in that of the Second Judge, whilst in the uncontested cases in his Court there is a corresponding decrease; but I think the causes assigned by Mr. Bainbridge sufficiently account for what, as regards his portion of the Court, would otherwise be an unsatisfactory fact. The frequent changes that had to be made in the presiding Judge did naturally interfere with the course of business, and it no doubt did so in a greater degree when the Officers appointed were more or less new to judicial work. Those, however, who were appointed, performed the work in a satisfactory manner.

39. The learned First Judge attributes in a great measure the sudden rise of litigation in the Court to the considerable commercial uneasiness in the Town during the spring and towards the close of the year, the causes leading to which were such, he thinks, as to affect the Burmese community more than the other races in Rangoon. If it be the fact that litigation was more rife than usual amongst them, it might give some slight explanation of the circumstance; but I think this explanation is more specious than sound. If these circumstances produced any effect on the Burmese community, they would have also exerted an effect in the same direction upon that class of people—the Chetties—to whom the Burmese are so generally indebted, and those who have other dealings with them, and there would have been a rush by them as well to the Courts. For my own part, in the absence of sufficient or any satisfactory data on which to rest this opinion, and considering how little those classes of the community that require the intervention of the Small Cause Courts in the settle-

ment of their transactions and dealings with one another, are influenced by disturbances in, or the unsettled aspects of the political and commercial worlds, I would be inclined to look for other and simpler reasons for an explanation; and, although the increase is a very remarkable one, I am rather disposed to see the true explanation for a considerable portion of it in the fact that this kind of litigation has not reached its limit, and that therefore the increase of last year is merely an exceptional instance, the result of ordinary and not abnormal causes of that increase which it is to be expected would take place each year in a rising town like Rangoon.

40. There has been a steady increase in the business of the Court since it was established; but its Office establishment has remained at what it was at first. If any further increase takes place, the establishment will certainly not be able to cope with it, and will have to be strengthened. Indeed, it is a question whether the time has not already come for doing this. Both Judges of the Court have submitted to me schedules, with a view to my recommending an increase to the extent they have specified, which I shall report upon as soon as I have investigated the subject.

41. There is one point, however, which I may now remark upon, and that is that the two Courts transact their business with separate establishments as if they were two separate and independent Courts, instead of being one with two Judges. There is no authority for this separation of the Court in the Act; and besides it is not only very inconvenient, but it is also subversive of that proper superintendence and supervision which the Burma Courts Act of 1875 requires me to exercise over the Court; for by reason of the Second Judge being unacquainted with the English language, and the establishment assigned to him being also, like himself, Burmans, and only speaking Burmese, the proceedings in his Court and the business of his Office are conducted in the Burmese language, and consequently the Court is, as it were, to me a Court sitting with closed doors; for, on this account, I cannot know anything that is done in it, or how its business is conducted. This would be to some extent lessened if there was one establishment superintended by the chief or head clerk of the Court, who would be responsible, as he ought to be now, to the First Judge for its proper management. At present, neither the First Judge, nor I, have the means of knowing how cases are decided, or the business of this branch of the Court is conducted.

42. There is another matter, too, which does not appear to have any sanction from the law; that is, that suitors are enabled to file their cases, so that they shall be heard by a particular Judge. In my opinion suits can only properly be filed in "the Court of Small Causes," and not in the "Court of the First Judge" or "the Court of the Second Judge" of Small Causes. Act XI. of 1865 does not provide for, nor contemplate, any such procedure, and under it, when a Second Judge is appointed, he is appointed as one of the Judges of the Court, and not as a "Judge of a separate Court of Small Causes."

43. I am fully aware that the immediate reason for the appointment of the Second Judge was that the Burmese residents might have one of their own countrymen to decide their cases. So long,

therefore, as the Judge was confined to hearing these cases, and Burmese suitors chose to bring them before him, there was not much practical inconvenience attending the assignment of a particular portion of the business of the Court to him. But now that its business has so considerably increased that one Judge can no longer transact it, even after allowances are made for those cases which the Second Judge was specially appointed to try, and another Judge is necessary for the due disposal of the general business of the Court, other suits than those originally intended to be heard by him are compelled to be put on his file, or brought in his Court, as the expression is, because the state of the other Judge's file will not permit all of the non-Burman cases being disposed of by him. Hence suitors have no option but to have their cases heard by the Second Judge; and since that is the case, there is the greater necessity that there should only be one Court establishment superintended by the Chief Clerk, the senior Judge of the Court having alone the authority over it.

44. As I have already observed, the practice of bringing suits before a particular Judge is, in my opinion illegal, and should no longer continue; but, in order that the purpose for which the Second Judge was originally appointed may not be thereby frustrated, the First Judge, or the two Judges in daily conference, might so dispose of the cases for the next day between them, that the exclusively Burman cases should continue to be heard by the Second Judge.

45. The present Second Judge is popular with his countrymen, and I daresay that they would generally prefer that he should hear their cases, and this will account for many of the suits that are brought before him. To this extent, it may be said, the Court is "popular;" but I do not think that any personal popularity of the Judge is a sufficient reason to explain the cause of the increasing business he has to perform. It cannot be supposed that, because he is well-known and respected by his countrymen, and is, therefore, deservedly popular, other races, who have no personal knowledge of him would, on account of this popularity, prefer to have their cases tried by a Burman gentleman rather than by an English one. The causes of the increasing business of his department of the Court are other than personal regard for him. Self-interest is not a small factor in the case. There are a number of Burmese Advocates licensed to practise before him, who are ignorant of English, and only English is spoken in the Court of the First Judge. These men are not likely to take their clients, or the suitors whom chance or their *touts* have brought to them, into a Court in which they cannot appear, but would naturally file their suits in the Burmese Court, and there earn their fee. Then, again, as I have already shown, the press of business in that Court, which is so far beyond the power of one Judge to dispose of, necessarily drives business into the other Court wherein suitors are less at home than they would have been in the Court of the English-speaking Judge. But whatever effect the popularity of the Judge has over the business of the Court, the present system calls, in my opinion, for change; for under it, as it now exists, that part of the Court which is known as the Court of the Second Judge, is practi-

cally responsible to no authority, and can be made subject to no supervision.

46. With respect to the administration of justice in the Courts of the Magistrates of Rangoon during the last year, the report of the Town Magistrate shows an improvement in every respect over the preceding year; and the statistics of crime appear to have been more carefully drawn up than on the last occasion.

47. The marked decrease in offences of every kind is very observable; whilst the number of convictions obtained shows greater care on the part of the police in investigating charges and detecting crime; and this, as Mr. McIver observes, is no doubt, in a large measure, attributable to improved and more energetic superintendence and to the various changes that have taken place in Police arrangements, whereby a more constant supervision and inspection has been brought about. The results of this in reducing crime are so fully detailed in the report, that I may leave it to speak for itself.

48. Much still may be effected by a more careful selection of the *personnel* of the police force, and by inducing a better class of men to join as constables, which appears has not been as carefully-minded as might have been, and consequently individuals have been admitted into its ranks who ought not to have found a place there. An instance of this came prominently to my notice only recently. Two constables were tried by me for fabricating false evidence, both of whom had some years previously been convicted of highway robbery at the time they were on duty as constables. It is difficult to suppose their antecedents were not known to the Police, and if they were, they ought certainly not to have been taken back into the service.

49. With regard to the tendency of Magistrates to dispose of the more serious classes of offences which I found it necessary to remark upon in my report of last year, there has certainly been an improvement; for the number of cases committed by the Magistrates of Rangoon was the same as in the previous year, whilst the number of serious offences brought before them was considerably less. The number of persons committed was greater, being eighty-three to fifty-nine; but twenty-six of those must be taken from the number, as they were included in one case of a very exceptional character, that is, a conspiracy to wage war against the Queen. The Town Magistrate considers that the committals for the year bear favourable comparison with those committed by the Magistrates in the Regulation Provinces of India. It is, however, to be observed in answer, to this, even supposing it to be the fact that it has of late been the subject of comment by more than one appellate authority, that Magistrates do not commit as frequently as they should, and that, in consequence, two of the chief objects in awarding punishment are frustrated,—namely, to prevent the offender again committing the offence, and as a deterrent example to others. Where sentence of imprisonment is of short duration, the discipline of the prison has not had time to produce its intended effect; and it does not, because of its lightness, deter others amongst those prone to crime from committing similar offences. Out of four hundred and forty-seven persons convicted of non-

bailable offences, and the large number convicted of bailable offences, where the Court of Sessions and the Magistrates had concurrent jurisdiction, fifty-seven persons seem to me to be still a small proportion to be committed. It, I think, implies either that many of the cases were leniently dealt with, or that the offences presented no circumstances of a heinous or aggravated nature to warrant a greater punishment than the Magistrate had power to award.

50. Before concluding my observations, I think it well to call attention to the fact that the administration of justice for the town of Rangoon has not been attended, during the past year, with any pecuniary loss to the State, but, on the contrary, a gain; for, although there is a considerable excess of expenditure over receipts in the Recorder's Court, that deficiency is made up by the large net income from Civil business in the Court of Small Causes; whilst in the income derived from fines, &c., in the two Magistrates' Courts, after deducting the cost of the establishment, which may be approximately stated at Rs. 7,500, according to information given me from the Magistrate's Office, and one-third of the salaries of the Magistrates, which is, I understand, all that is made chargeable to account of public justice amounting to Rs. 5,700, leaves a balance in favour of Criminal justice of more than Rs. 24,000. This exceeds the deficit in the Recorder's Court, and leaves a balance in favour of Government on the general cost of the administration of justice of over Rs. 19,000.

51. The following table more particularly shows how this result is brought about:—

Receipts.		Disbursements.	
	Rs A. P.		Rs. A. P.
Recorder's Court	24,652 0 0	Recorder's Court ...	43,748 0 0
Small Cause Court	54,163 0 0	Small Cause Court	27,640 0 0
Total ..	78,815 0 0	Total ..	71,388 0 0
		Magistrates' Courts—	
Magistrates' Courts ...	37,989 0 0	Salaries and Office expenses ...	13,200 0 0
		Rewards to Police and informers	12,833 0 0
		Total ...	97,421 0 0
		Surplus of receipts over expenditure .	19,383 0 0
Grand Total ...	1,16,804 0 0	Grand Total .	1,16,804 0 0

52. The surplus income derived from any one of the Courts is fairly appropriable to make up a deficiency in the income of any other Court included in the same system; more especially in the present instance, having regard to the fact that the Recorder's Court is not only a Civil, but a Criminal Court, exercising appellate and other jurisdictions over the other Courts of the town. From the very nature of the case it can derive no direct income from the administration of criminal justice, which is equally as important a portion of its juris-

diction, and for which it was as much established as its civil jurisdiction; it is only reasonable, therefore, that the cost of the criminal administration should be made good from the general profits under this head, instead of the income from civil business, being alone expected to bear, as, in fact, it does, the whole cost of the Court.

RANGOON;
The 31st March 1876.

C. J. WILKINSON,
Recorder.

COURT OF SMALL CAUSES, RANGOON.

FIRST JUDGE'S COURT.

From the Officiating First Judge of the Court of Small Causes, Rangoon, to the Recorder of Rangoon,—No. 28, dated the 22nd March 1876.

I HAVE the honour to submit the Annual Report on the administration of the Court of Small Causes for the year 1875.

2. In the Court of the First Judge, the total number of suits instituted was 7,139, as against 5,430 in 1874. This is an increase of 1,709. The number of regular suits was 3,674 as against 3,001 in 1874, and of miscellaneous 3,465, as against 2,429. A total of 7,053 cases were disposed of in 1875, of which 3,587 were regular, and 3,466 miscellaneous. At the close of the year 266 cases (202 regular and 64 miscellaneous) were pending, as against 115 and 65 at the end of 1874.

3. Taking both Courts together, we find a similar, but even greater, increase in the amount of work transacted during the year. The regular cases increased by 1,286, and the miscellaneous by 1,569. These figures cannot but be regarded as somewhat abnormal, and will be commented on in another place. The following table will contrast the work done in 1874 and 1875 :—

YEAR.	Number of regular cases instituted during the year.	Number of miscellaneous cases instituted during the year.	Total number of regular and miscellaneous cases instituted during the year.	Number of regular cases disposed of during the year.	Number of miscellaneous cases disposed of during the year.	Total number of regular and miscellaneous cases disposed of during the year.	Number of regular cases pending at the close of the year.	Number of miscellaneous cases pending at the close of the year.	Total number of regular and miscellaneous cases pending at the close of the year.
1875	5,488	4,450	9,938	5,408	4,453	9,861	212	64	296
1874	4,197	2,881	7,078	4,195	2,873	7,068	137	65	222
Increase	1,286	1,569	2,855	1,213	1,580	2,793	75	...	74
Decrease	...	...	...	...	...	...	...	1	...

4. From these figures it is evident that litigation has largely increased during 1875, and that there is a growing tendency among a certain class of suitors to seek for redress in the Court of the Second Judge. In 1874, the First Judge disposed of a monthly average of 250⅛ regular and 203 miscellaneous cases. In 1875 these figures have risen to 299 and 289 respectively, showing an increase of work in the approximate proportion of 3 to 4. In the Court of the Second Judge, the monthly average of cases of both descriptions has risen from 136 to 234, *i. e.*, it has very nearly become double what it was during 1874. These facts seem to point to the necessity of an increase in the establishment. This question will, however, be dealt with in a separate communication.

5. In commenting on the year 1873, my predecessor pointed out the exceptional character which it had assumed, while the fact that the litigation in 1874 showed no material decrease on 1873, led him in a subsequent report to believe that the records of the later year showed a potential increase in litigation, and a tendency towards a further advance in 1875 and succeeding years. These predictions have been fully realized, as is shown by the figures already quoted.

6. The territorial extent of the Courts' jurisdiction has been considerably enlarged during the year. It was formerly forty-five square miles: it is now fifty square miles, or thereabouts.

7. As, however, the greater part of this newly-acquired land is but sparsely populated, I think we must go even further to obtain a full explanation of the sudden bound in advance which the work of the Courts has taken. It must be remembered that the year 1875 was one during which there was considerable commercial uneasiness within the town of Rangoon, particularly during the spring and towards the very end of the year. The causes leading to this were such as to affect the Burman community, more than it did the other races residing in Rangoon. Here, then, we have a fact, which not only accounts for the abnormal increase of litigation, but also affords an explanation of the particular direction in which litigation has increased, *i. e.*, chiefly among the Burmans.

8. The value of litigated property, like the number of suits, has, as might have been expected, largely increased.

	Rs.
In 1874, it was	3,44,066
In 1875, it amounts to	5,44,229

9. The average duration of the various classes of suits will be seen from the tables appended to this section. The average duration of regular cases in the Court of the First Judge has been gradually sinking ever since 1872, and reached its lowest limit of 15¾ days in 1874. In 1875 it rose to 23·4 days. I believe, however, that there are a variety of circumstances which have led to this unsatisfactory result, some of which are not likely to recur. Among these, I may notice the frequent changes of the presiding Officer and the extraordinarily numerous commissions which issued for the examinations of parties or their witnesses. Taking both Courts

together, the average was nearly eighteen days; as against 13½ in 1874.

Tables of average duration of suits heard in the Court of the First Judge during 1875.

Total number of cases decided	Number of days they occupied.	Average	Number of contested cases decided.	Number of days they occupied.	Average	Number of uncontested cases decided.	Number of days they occupied.	Average.
3,587	83,940	23.40	808	18,379	22.75	2,779	65,561	23.5

Of suits pending at end of 1874, and heard in 1875.

Total number of cases pending at end of 1874, and heard in 1875	Number of days they occupied	Average	Number of contested cases of 1874, heard in 1875.	Number of days they occupied.	Average	Number of uncontested cases of 1874 heard in 1875.	Number of days they occupied.	Average.
115	12,095	105	33	1,921	58	82	10,174	124

Of suits struck off.

Total number of cases struck off	Number of days they occupied.	Average.	Number of cases left pending at end of 1874, and struck off at end of the first half-year.	Number of days they occupied.	Average.	Number of cases of 1875 struck off at end of the second half-year.	Number of days they occupied.	Average.
130	32,033	243·40	39	8,992	230 5	91	23,041	253

Of suits heard in both Courts during 1875.

Total number of cases decided.	Number of days they occupied.	Average.	Number of contested cases decided.	Number of days they occupied.	Average.	Number of uncontested cases decided.	Number of days they occupied.	Average.
5,408	97,054	Nearly 18 days.	1,047	20,841	Nearly 20 days.	4,361	76,213	Nearly 17.5 days.

10. The stamp revenue shows a marked increase of Rs. 16,593-14. Of this amount Rs. 15,744-10 belong to the regular and Rs. 849-13 to the miscellaneous cases.

Value of stamps (both Courts).

Year.	Value of stamps realized on regular cases during the year.			Value of stamps realized on miscellaneous cases during the year.			Total value of stamps realized on regular and Miscellaneous cases during the year.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1875	41,959	8	0	2,628	7	0	44,587	15	0
1874	26,215	7	0	1,778	10	0	27,994	1	0
Increase	15,744	1	0	849	13	0	16,593	14	0

11. The total revenue shows an increase of Rs. 19,134-12. In other words, the other branches of the revenue also show elasticity, the increase amounting in their case to Rs. 2,540-14. These results would naturally follow from the increase in litigation, and call for no special remark.

Revenue of both Courts.

Year.	Amount of revenue realized in the Court of the First Judge during the year.	Amount of revenue realized in the Court of the Second Judge during the year.	Total amount of revenue realized in both Courts during the year.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1875	41,355 7 0	12,807 10 0	54,163 1 0
1874	27,711 8 0	7,316 13 0	35,028 5 0
Increase	13,643 15 0	5,490 13 0	19,134 12 0

12. While the revenue has increased in this way, the expenditure has remained almost stationary. Indeed, the expenditure in 1875 would have been Rs. 300 less than that in 1874, had not the High Court directed that rather more than two-thirds of the cost of the bailiff and his establishment should, for the future, be borne by the Courts of Small Causes. Up to the present time this expenditure has been wholly charged to the High Court.

Statement of Receipts and Expenditure for the year 1875.

	Rs A. P	Rs A P
Court of the First Judge		
Amount realized by stamps on regular cases	32,469 10 0	
Ditto ditto Miscellaneous cases	1,918 13 0	
		34,388 7 0
Tullubana Fund		6,861 8 0
Fines		
Stamp penalty on insufficiently stamped documents		96 12 0
Sale of unserviceable Office furniture and empty stationery cases		8 12 0
Court of the Second Judge		
Amount realized by stamps on regular cases	9,489 14 0	
Ditto ditto Miscellaneous cases	709 10 0	
		10,199 8 0
Tullubana Fund		2,581 2 0
Fines	. .	
Stamp penalty on insufficiently stamped documents		27 0 0
Total		54,163 1 0

	Rs A. P	Rs A. P
Court of the First Judge		
Judge's pay		11,469 12 1
Establishment	5,258 0 0	
Contingencies	443 3 0	
		5,701 3 0
One-third share of the bailiff's pay and pay of four peons of the bailiff's establishment debited to this Court by direction of the Recorder		*1,280 0 0*
Court of the Second Judge		
Judge's pay		6,000 0 0
Establishment	1,864 0 0	
Contingencies	166 0 0	
		2,030 0 0
One third share of the bailiff's pay and pay of three peons of the bailiff's establishment debited to this Court by direction of the Recorder		*1,160 0 0*
Total		27,640 15 1
Balance of receipt over expenditure		26,522 1 11
Total		54,163 1 0

13. Among the miscellaneous work done by the Court during the year, there were fourteen applications to sue *in formâ pauperis*, of which eight were granted; twenty-seven references to the High Court, twenty-six commissions received, and thirteen executed by this Court.

14. On the whole a review of the past year seems to be satisfactory. There is apparently a growing confidence in the decisions of the Courts, and a lessening tendency to resort to private arbitration. It may be noticed as a somewhat curious fact that the proportion of Burmans who seek redress in the respective Courts, either against their fellow-countrymen or others, has remained almost exactly stationary. The figures this year show a slightly-increasing tendency in favour of the First Judge's Court.

		Cases in which Plaintiff was a Burman.	Both parties were Burmans.
1874	First Judge's Court ...	21	48
	Second ditto ...	72	410
1875	First Judge's Court ...	33	74
	Second ditto	102	615

On the other hand, out of four hundred and eighty-nine foreigners who brought actions against Burmans, three hundred elected to sue in the First Judge's Court.

15. The Office is in a high state of efficiency, and reflects great credit on Mr. Marsh and his subordinates.

List of cases longest pending in 1875.

Regular No. 1787 of 1874.—Instituted 21st July 1874, decided 8th January 1875; duration, 172 days. A commission had to issue to examine two of plaintiff's witnesses. A reference was also made to the High Court on a point of law.

Do. „ 1896 „ —Instituted 14th August 1874, decided 11th January 1875; duration, 151 days.

Do. „ 2078 „ —Instituted 2nd September 1874, decided 11th January 1875; duration, 132 days. These are cross-suits for house rent. They stood over by consent of counsel for several months, to abide the results of a case between the same parties in the Recorder's Court.

Do. „ 1966 „ —Instituted 20th August 1874, decided 19th January 1875; duration, 273 days. This case was adjourned *sine die*, to enable plaintiff to obtain the evidence of one of his material witnesses, who was away from Rangoon, but expected to return.

Do. „ 2140 „ —Instituted 10th September 1874, decided 2nd February 1875; duration, 176 days. The defendants and one of plaintiff's witnesses were pilots, who were constantly absent from town. The case was adjourned from time to time to enable defendants to appear and defend the suit.

Do. „ 2062 „ —Instituted 28th August 1874, decided 22nd February 1875; duration, 174 days. After the first summons was returned unserved, the case remained on the dormant file till the 2nd February, when plaintiff applied for a second summons.

Do. „ 2453 „ —Instituted 9th October 1874, decided 18th January 1875; duration, 102 days. The first summons was returned unserved, and case placed on the dormant

filo. The plaintiff did not apply for a fresh summons till the 8th January 1875.

Regular No. 2524 of 1874.—Instituted 16th October 1874, decided 2nd January 1875; duration, 110 days. One of the plaintiffs, who was a material witness, was unable to attend Court on account of illness. His evidence was taken on commission.

Do. „ 2578 „ —Instituted 22nd October 1874, decided 1st February 1875; duration, 103 days. This case was adjourned from time to time, to abide the decision of a case of similar nature. After the first hearing a reference was submitted to the High Court. This case was afterwards by consent referred to arbitration, and subsequently struck off as compromised.

Do. „ 29 „ —Instituted 7th January, decided 29th April; duration, 113 days. The defendant's principal witness was a resident of Bombay. A commission had to issue to take his evidence.

Do. „ 48 „ —Instituted 8th January, decided 7th June; duration, 151 days. The case was adjourned several times at counsel's request, with a view of obtaining the evidence of plaintiff's and defendant's witnesses at Moulmein.

Do. „ 115 „ —Instituted 15th January, decided 5th May; duration, 111 days. This suit was brought by plaintiff's attorney. A commission had to issue to examine the principal at Tanjore.

Do. „ 441 „ —Instituted 16th February, decided 4th June; duration, 109 days. This was a suit against the master of one of the Canal steamers. The defendant left the port before the summons could be served on him. The case had to lie over till his return.

Do. Nos. 654, 656, and 695 of 1875.—Instituted 8th March, decided 24th December; duration of each case, 292 days. These are three suits brought by the agent of a Chetty against three natives. Three unsuccessful attempts were made to obtain the evidence of the principal residing at Poodoocottah in Southern India. A fourth commission was issued, which returned executed.

Do. „ 850 „ —Instituted 23rd March, decided 18th July; duration, 113 days. Most of the plaintiff's witnesses were residents of Henzada. A commission had to issue to take their evidence.

Do. „ 932 „ —Instituted 29th March, decided 19th August; duration, 144 days. A commission had to issue to examine one of the defendant's material witnesses at Mirzapore. The commission was not returned before the 11th of August.

Do. „ 983 „ —Instituted 1st April, decided 16th August; duration 138 days. In this case two commissions had to issue—one to Moulmein and the other to Chittagong, to examine plaintiff's and defendant's witnesses.

Do. „ 1047 „ —Instituted 5th April, decided 2nd July; duration, 89 days. One of the defendant's being a resident beyond the jurisdiction of this Court, the leave of the High Court had to be obtained before the plaintiff could proceed with the case. On receipt of the order, a summons was forwarded to the defendant through the post, and a sufficient time allowed to enable him to appear and answer the claim.

Regular No. 1285 of 1875.—Instituted 22nd April, decided 1st September; duration, 133 days. This case was adjourned at counsel's request from time to time, to enable plaintiff to obtain the evidence of one of his witnesses, residing at Thonkwa.

Do. „ 1384 „ —Instituted 29th April, decided 13th August; duration, 117 days. This case was postponed from time to time on account of the absence of the defendant's material witness, the Chief Officer of the ship *Arabia*, then on a voyage to Bombay and back.

Do. „ 1539 „ —Instituted 12th May, decided 27th September; duration, 139 days. The case stood over after several adjournments, to enable plaintiff to obtain the evidence of a material witness residing at Henzada. A reference to the High Court was also asked and granted.

Do. „ 1682 „ —Instituted 21st May, decided 1st October; duration, 134 days. The first summons not having been served, the case stood over till plaintiff took further steps to effect service.

Do. „ 1792 „ —Instituted 2nd June, decided 24th September; duration, 113 days. The case was repeatedly postponed on account of the plaintiff's frequent and unavoidable absence from Rangoon.

Do. „ 1924 „ —Instituted 14th June, decided 10th September; duration, 89 days. A commission was sent to Moulmein to take the evidence of plaintiff's witnesses, which was returned unexecuted. A second commission was applied for, and granted.

A. C. BAINBRIDGE,

Officiating First Judge, Court of Small Causes, Rangoon.

SECOND JUDGE'S COURT.

From the Second Judge of the Court of Small Causes, Rangoon, to the First Judge of the Court of Small Causes, Rangoon,—dated the 10th March 1876.

I HAVE the honour to submit the Annual Report on the Administration of Civil Justice of my Court for the year 1875.

Number of cases instituted, disposed of, and pending.

1. The total number of cases instituted, both regular and miscellaneous, was 2,794, as against 1,648 in 1874, the number of regular suits instituted was 1,809, showing an increase of 613, and of miscellaneous suits 985, showing an increase of 533. The total number of all cases disposed of was 2,808 as against 1,631 in 1874; of these 1,821 were regular, indicating an increase of 628, and 987 were miscellaneous, showing an increase of 549. The total number of cases pending at the close of the year was 30, as against 44 in 1874, showing a decrease of 14 cases. Out of 30 cases pending, 10 were regular, showing a decrease of 12, and 20 were miscellaneous, showing a decrease of two cases.

Value of suits and stamps in 1875.

2. The total amount of value involved in the suits instituted in 1875 was Rs. 1,16,416-6-1, and the amount of stamps realized was Rs. 10,199-8:—

			Rs.	A.	P.
Regular suits	...	...	9,489	14	0
Miscellaneous suits	...	...	709	10	0
Total	...		10,199	8	0

Comparison of numbers, value of suits, and value of stamps in 1874 and 1875.

3. The difference between the years 1874 and 1875, is shown in the following table:—

YEAR	Number of regular suits instituted during the year.	Number of miscellaneous suits instituted during the year.	Total number of suits instituted during the year.	Number of regular suits disposed of during the year	Number of miscellaneous suits disposed of during the year	Total number of suits disposed of during the year.	Number of regular suits pending at the close of the year.	Number of miscellaneous suits pending at the close of the year.	Total number of suits pending at the close of the year.	Value of suits instituted during the year.	Value of stamps.
										Rs A. P.	Rs. A. P.
1875	1,809	985	2,794	1,821	987	2,808	10	20	30	1,16,416 6 1	10,199 8 0
1874	1,196	452	1,648	1,193	438	1,631	22	22	44	67,479 7 1	5,678 5 0
Increase	613	533	1,146	628	549	1,177				48,936 15 0	4,521 3 0
Decrease							12	2	14		

Duration of cases.

4. The total number of regular suits decided during the year was 1,821, and the days they occupied 13,114, giving an average of a little more than seven days for each case. Twenty-two regular cases pending from 1874 were decided in 1875, the average duration of which was nearly fifteen days. The total number of uncontested cases was 1,582, and the days they occupied 10,652, averaging nearly 6·75 days. The total number of contested cases was 239, and the days they occupied 2,462, averaging a little over ten days. The total number of cases transferred to First Judge's Court were 25, and two cases were transferred from the First Judge's Court to this Court.

Table of average duration of suits heard in the Court of the Second Judge of Small Causes during 1875.

Total number of cases decided.	Number of days they occupied.	Average.	Number of contested cases decided.	Number of days they occupied.	Average.	Number of uncontested cases decided.	Number of days they occupied.	Average.
1,821	13,111	A little over 7	239	2,462	10 25	1,582	10,652	Nearly 6·75

Of suits left pending at the end of 1874, and heard in 1875.

Total number of cases left pending at the end of 1874 and heard in 1875.	Number of days they occupied.	Average.	Number of contested cases of 1874 heard in 1875.	Number of days they occupied.	Average.	Number of uncontested cases of 1874 heard in 1875.	Number of days they occupied.	Average.
22	330	15	6	112	18 66	16	218	13 60

The following table will show the amount of stamps realized during the year :—

Year.	Value of stamps realized on regular cases during the year.	Value of stamps realized on miscellaneous cases during the year.	Total value of stamps realized.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1875	9,489 14 0	709 10 0	10,199 8 0
1874	5,313 7 0	364 14 0	5,678 5 0
Increase ..	4,176 7 0	344 12 0	4,521 3 0
Decrease ...	. ...	.....	..

Statement of Receipts and Expenditure for the year 1875.

	Rs. A. P.		Rs. A. P.
Amount realized by stamps on regular suits .	9,489 14 0	Judge's Pay ...	6,000 0 0
Miscellaneous suits	709 10 0	Establishment ...	1,864 0 0
Tullubana Fund .	2,581 2 0	Contingencies	166 0 0
Fines ..	.....	*One-third share of bailiff's pay and pay of three peons of the bailiff's establishment debited to this Court by direction of the Recorder*	*1,160 0 0*
Stamp penalty on insufficiently-stamped documents	27 0 0	Balance of receipt over expenditure ...	3,617 10 0
Total	12,807 10 0	Total	12,807 10 0

I have the honour to enclose Judicial statements B.—1, 6, 7, 8, and 10, which are submitted annually.

Rangoon ;
The 10th March 1876.

Moung Oon,
Second Judge, Court of Small Causes.

MAGISTRATE'S COURT, RANGOON.

From the Officiating Town Magistrate, Rangoon, to the Recorder of Rangoon,—dated the 23rd March 1876.

I HAVE the honour to forward the Annual Report on the Administration of Criminal Justice in the Town of Rangoon for the past year.

2. The subjoined table shows the number of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with similar returns for the preceding year :—

YEAR.	NUMBER OF OFFENCES REPORTED DURING THE YEAR 1874-75.			Number of cases brought to trial.	Number of persons brought to trial.	Discharged without trial.	Acquitted.	Warned and discharged.	Convicted.	Committed.	Disposed of by the Local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.										
1874 .	1,220	3,561	4,801	4,033	8,608	846	1,334	603	5,716	59	1	6	43
1875 ...	920	2,988	3,908	3,530	7,101	736	987	341	4,929	83	1	3	21
Increase ...	..	..	...	.	.	...	...	..	...	24	...	...	..
Decrease ...	300	593	893	503	1,507	110	347	262	787	..	.	3	22

(1)—This shows that there has been an improvement in every respect, and a closer examination of the figures only serves to show that this improvement is real, and affects all classes of crime.

(2)—Last year was an exceptionally bad year; so bad, that Government was constrained to take notice of the fact that there had been an increase of nearly thirty per cent. in serious crimes reported on the returns of the previous year, and this following on an increase of forty-five per cent. in 1873, as compared with 1872. All kinds of offences had increased in so bewildering a manner, that a comparison from whatever point of view with the figures for previous years, only served to show that there had been a general rise of crime, with which the Police efforts had failed successfully to cope. So that, for purposes of review, it is hardly useful to compare the present year with 1874: the present report shows that the amount of reported crime is not only very much less than in 1874, but that it has fallen below the figures of 1873, and this notwithstanding the estimated increase of 5·2 per cent. in population in two years, while detection of crime has improved not only

proportionately, but absolutely. The number of cases reported is lower than in 1873, the number of persons brought to trial, convicted, committed to the sessions, and those convicted is larger than in 1873.

3. In considering the amount of work done by the Courts, it is, of course, necessary to consider cases relating to offences of all classes; but anywhere and notably in a populous city, a correct estimate of the amount of real crime can hardly be obtained from these gross totals. By far the larger proportion of offences in the foregoing table are offences against local regulations and breaches of order, and have therefore little to do with the real criminal statistics of the town. Below is a corresponding table dealing only with grave or non-bailable cases; the distribution of cases into bailable and non-bailable, although not absolutely identical with that of grave and minor offences, is sufficiently close for the purpose of this examination, and, as in "non-bailable" cases, are included all important offences against persons, property, the State, and the public peace, a more scientific classification is not necessary.

Year.	Non-bailable cases reported	Number of cases brought to trial	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1874	1,220	530	637	149	414
1875	920	538	672	162	448
Increase		8	35	13	34
Decrease	300				

4. The following is a statement showing the number of grave cases reported, the number and proportion of these brought to trial during the preceding five years, and the average of these figures compared with those for the year of review.

Non-bailable cases for five years.

Year.	Number of cases reported	Number of cases brought to trial	Percentage of detection.
1870	711	307	43 per cent.
1871	409	206	50 ditto
1872	522	260	50 ditto
1873 ...	946	340	36 ditto
1874 ...	1,220	530	43 ditto
Average	761	329	44 ditto
1875	920	538	58·5 ditto

The figures in the returns and the statements above presented speak for themselves. In respect of cases which Police vigilance can operate to prevent, repress, or detect, they show a marked improvement throughout; of dacoity, and robbery with violence, there was none; of robbery simple, I might say the same, for the two cases reported and convicted were petty pocket-picking, or, to use the local phrase, "*gong-bong*-snatching cases." As the following table shows, there has been a striking decrease in these offences, as well as in all other "cognizable" offences against property:—

Offences against property with violence.

	Cases reported		Cases brought to trial		Persons convicted	
	1874	1875	1874	1875	1874	1875
Dacoity	1		1		1	
Robbery	13	2	10	1	18	
Extortion	1	4	1	4	2	
House breaking or house trespass in order to commit theft	78	34	12	25	10	2

Offences against property without violence.

Theft	989	744	370	382	354	346
Dishonestly receiving stolen property	78	87	78	87	65	72

In every class of case detection has greatly improved, and the Police are able to show a reduction of thirty-six per cent. of property stolen, with an improved proportion of recovery, amounting to seven per cent. I would particularly refer to the improvement under theft and house-breaking; of the latter, in 1874, seventy-eight cases occurred, and only twelve were brought to light with ten convictions; in 1875 only thirty-four cases occurred, twenty-five of these were detected, and twenty-three convictions were obtained.

In respect of that class of crime which is generally the outcome of impulse, and therefore not directly or appreciably to be influenced by Police action, there is still an improvement; this, however, is an improvement in quality rather than quantity, that is, in the gravity of the cases rather than in their numbers.

Detail of Crime.

Of offences against human life, five were reported as against thirteen in the previous year; of so-called murders, one was the act of a lunatic, while the second occurred in the desperation of an arrested dacoit (the last named is the only case of the five in which the offence was not brought home to the perpetrator; but, even in this, the supposed murderer has been transported for life on another charge).

Description of offences	Cases reported.		Cases brought to trial		Persons convicted.	
	1874	1875.	1874	1875	1874	1875
Murder	5	2	2	1	1	1
Attempt at murder	6	1	5	1	4	1
Culpable homicide	2	2	2	2	6	2
Grievous hurt	10	13	7	11	4	10
Ditto on grave and sudden provocation	6	8	5	3	3	3
Hurt	24	63	24	63	25	56
Ditto with dangerous weapon	33	20	31	18	19	17

Of hurt of all kinds there were reported or complained of ninety-nine as against seventy-three in the previous year; but of these ninety-nine only sixty-seven complaints (compared with forty-six the previous year) bore the test of enquiry: eleven of these cases were grievous hurt.

Of simple hurt, there was a large increase of cases, but this is in a measure the result of a different treatment of the cases in Court, and an examination of the records shows that most of them might have been regarded as assault cases; it will be observed from statement B. that all of the cases under this head have been brought to trial, while only thirty-one, or less than half, were recognized by the Police. Of grievous hurt with and without provocation, and of hurt with dangerous weapons, there is a decrease of thirteen cases, or twenty-six per cent.

Murder, culpable homicide, and attempts to murder, are beyond the control of the Police, further than the deterrent effects of capital punishment upon a hasty and unthinking people, may be regarded as a police check. But I believe by severity of sentences, where dangerous weapons are used on trifling provocation, it lies within the power of the Magistracy in a great measure to diminish the charges of hurt. The dread of punishment is not likely, perhaps, to moderate the violence with which an enraged Burman will use his *dah* when he lifts it to strike; but it may moderate his habit of using it at all. We cannot, perhaps, hope to replace murder cases by grievous hurt by this influence, but it is not unreasonable to expect that we may reduce the total number of hurt cases.

The decrease of crime I attribute mainly to the re-invigoration of the police, by the appointment of a thoroughly energetic chief, the improvement of the *personnel* of the force, and its increase in numbers.

The police have worked well throughout the year, and I believe there has been an increased emulation (producing the happiest results) among the Inspectors and their principal subordinates.

The transfer and removal of incompetent or untrustworthy station Officers, a redistribution of strength, improvement in the night-beat system, and a more constant supervision and inspection—have all contributed to a general revival of police usefulness.

But the success of the Police during the year is also, I think, partly traceable to two specific causes, *viz.*, the raid made on the Loobyo goungs, and the success with which efforts have been directed to breaking up and hunting down well-known gangs of town thieves, to whose presence it is believed that much of the extraordinary increase of crime in the preceding year was due.

In April the two chief Loobyo goungs, Moung Kaza and Moung Poo, were brought up and convicted for hurt, and the sentence was upheld on appeal. This result was a matter of general congratulation, as it was not believed by the people that any one would dare to give evidence against the accused. The disastrous influence which had been exercised in the town by the lawlessness of these ruffians was admitted on all sides, and the conviction of the two principals led to a complete disruption of the system by which their followers exercised a terrorism over the inhabitants, and lent a cover and immunity to all sorts of crime. The subsequent arrest of one or two lesser ring-leaders and the stampede across the frontier of many more, relieved the the town of its greatest bane.

Of the dispersion of thief-gangs the following are instances :—

Poozoondoung gang.

The three principals of this gang (to whom over a dozen thefts and cognate crimes during the earlier months of the year were attributed) were arrested by Inspector Stacey, after much trouble, in the month of April ; the effect of the break-up of this gang was immediately appreciable, and Poozoondoung for several months enjoyed an exceptional immunity from thefts.

Nga Hpoung's gang.

Nga Hpoung, a well-known escaped dacoit, arrested by Mr. Stacey in June, gave information, which led to the arrest of five and the conviction of four of his followers upon different charges ; only two of this gang remain now at large, and these have been so hunted, that there is little likelihood of their appearing in Rangoon for some time. A ninth criminal, named Ah Chong, who is supposed to have belonged at one time to this party, has also been convicted during the year.

Nga Yeek's gang.

In Myatada a number of house thefts by night were undetected for some time, but Mr. Miller was ultimately able to pitch upon the gang, and to arrest three of its five members, including one of the principals. The latter, Nga Yeik, was sentenced to ten years' rigorous imprisonment, and the other two on a separate charge to two years' each. One of the ring-leaders is still at large, and the receiver escaped before the Sessions Court for want of evidence; but a large quantity of property, the proceeds of several distinct house-thefts, were recovered.

The Jews' gang.

This was an association of foot-pads, who attacked single wayfarers at night, sometimes in the most important thoroughfares; at one time Tsoolay Pagoda road was their favourite beat, but that quarter has now been so well lighted, that the highway robberies there have altogether ceased. Five of this gang were known to the Police, three were charged with several robberies of the class above described, and two convicted on three counts, the third barely escaped. He has since been convicted with a fourth of the gang for a murderous attack, supposed to have theft as its object. The fifth fled to Upper Burma, whither Police agents traced him to Bhamo; and since commencing this report I have intelligence of his return to British territory.

The Kullah gangs.

Two or three gangs of Kullahs (natives of India) also were broken up; one of six men (five punished during the year) was brought up by Messrs. Miller and Stacey. In another case a whole gang were sent to jail in default of finding security for good behaviour. I feel satisfied that nearly all the house-thefts in Rangoon are committed by inmates of the houses or by gang-thieves. Thefts of the former class no Police can check, but those of the latter, I think, have been very fairly dealt with this year.

There has also been a decided decrease in bailable cases, the reason for which I am not prepared to assign. Having in mind that the prosperity of one year and scarcity in another have before now done duty to account for the same phenomena in Judicial statistics, I hesitate to offer any explanation of the fact that not only the grave crimes (which is a Police matter), but also the lesser offences have decreased in number. I presume, however, that the fact may safely be regarded as satisfactory. The number of persons convicted of drunkenness has fallen from nine hundred and two to seven hundred and sixty, or about sixteen per cent., while the excise revenues show an unimpared elasticity. Petty cases, such as assaults, nuisances, street obstruction, breaches of Municipal and Cantonment regulations, have decreased some twenty-eight per cent., but they still amount to 2,214 in number, or seventy-four per cent. of the non-bailable cases.

Petty cases.

The following table shows the nature of these petty cases :—

Cases	1874	1875
Assault	576	508
Insult	118	88
Creating a disturbance	163	144
Street obstruction	186	96
Nuisance, Police Act	273	289
Breach of local rules	600	520
Other special laws	491	198
Drunk and disorderly .	522	311

The subjoined table shows the work performed by the several Magistrates, the results of trials held before them, and the state of their files at the close of the year 1875:—

Class of Tribunal, and Name of Magistrate.		Number of persons under trial during the year.	Discharged without trial.	Acquitted.	Warned and discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.		Number of persons under trial at the close of the year whose cases have been pending over six months
									In custody.	On bail recognizance.	
Lewis McIver, Esq., 1st class Magistrate.	Non-bailable	274		63		168	44	1			
	Bailable	2,132	258	286	141	1,433	10		1	1	
	Total	2,406	258	349	141	1,601	51	1	1	1	
Lieutenant C. H. E. Adamson, Assistant Magistrate, 1st class.	Non-bailable	410		102		279	25	1	3	.	
	Bailable	4,285	478	437	200	3,049	4	1		16	
	Total	4,695	478	539	200	3,328	29	2	3	16	
Grand total		7,101	736	888	341	4,929	83	3	4	17	

In 1874 1,079 persons were discharged without trial against 736 in the year of review, a decrease of thirty-two per cent.; but as the total number of persons charged with bailable offences had decreased twenty-four per cent., this difference is not altogether real. The actual improvement in this respect is one of fifteen per cent., and I do not believe that the proportion of cases which end in this way can ever be much reduced. The Assistant Magistrate points out that the traditional theory of the Burmese that all offences can be condoned by a money payment, induces many applications for processes by persons who have no intention of carrying their cases through to a judgment; and, as Mr. Adamson suggests, in many cases the summons is used merely as an authority for convening a *punchayet* for the settlement of the difficulty betwen the parties. This method, although not contemplated by the Procedure Code, generally results in substantial justice being obtained, and I agree with Captain Evanson that it is better to risk the issue of too many processes, than to reject the petitions of this class.

The number of persons remaining under trial at the end of the year was nominal, and requires no explanation.

The subjoined table shows the punishments inflicted by the different Magisterial authorities :—

Class of Tribunal, and Name of Magistrate.		Persons sentenced to					Persons ordered to		Amount of fines		
		Solitary confinement.	Simple imprisonment.	Rigorous imprisonment.	Fine.	Whipping.	Give recognizance or security to keep the peace	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
Lewis McIver, Esq., 1st class Magistrate.	Non-bailable	5	..	108	...	68	...	.	17,190	16,093	159
	Bailable		40	158	1,120		37	14			
	Total ...	5	40	326	1,120	68	37	14	17,190	16,093	159
Lieutenant C. H. E. Adamson, Assistant Magistrate, 1st class.	Non-bailable	7	1	179	4	108			30,777	20,188	537
	Bailable	1	8	167	2,830	.	22	20			
	Total ...	8	9	346	2,834	108	22	20	30,777	20,188	537
Grand total ...		13	49	605	3,954	176	47	34	47,967	36,281	696

I have separated the punishments for bailable and non-bailable cases, as it may be interesting to observe the proportion which is maintained in this respect.

There has been a slight increase in the number of sentences of solitary confinement; but, as was pointed out last year, the application of this useful form of punishment is restricted by the limited provision of cells in the jail. The increase in whipping is so slight, as to require only passing mention.

With regard to the number of committals, it was remarked, last year, that the proportion of cases committed of the total number in which the Sessions Court and Magistrates had concurrent jurisdiction was very small, estimated at 11 per cent. The same calculation in the year of review gives 21 per cent., and I venture to think that this is a very high average, since it implies that one out of every five cases which the Magistrate had discretion to try, was esteemed so serious, as to require a punishment of more than two years' rigorous imprisonment. For, although, no doubt, other considerations occasionally influence a Magistrate to commit a case—this is practically the test that is applied—I feel pretty sure that a comparison with the figures in

regulation provinces will show that the proportion of cases committed in Rangoon, in 1874, was quite up to the average.

From the last two tables it will be seen that the distribution of the total number of cases between the two Magistrates has remained much the same as hitherto, *viz.*, that the Assistant Magistrate disposes of about two-thirds of the cases; but the sentences of imprisonment and the committals show that, in serious cases, the work is more equally divided, the Assistant Magistrate has by far the larger share of the petty cases. Of eighty-five miscellaneous cases tried by the senior Magistrate, in addition to those above enumerated, seven were enquiries into loss of, or injury to, ships. A list of these is attached to this report.

Bad livelihood.

One hundred and three persons were brought up, and seventy ordered to find security for their good behaviour.

I trust the proportion of fines recovered to fines imposed will be regarded as satisfactory. In the Magistrate's Court sixteen-seventeenths were recovered; in the Assistant Magistrate's, two-thirds, the total proportion being 75 per cent. against 64 per cent. in the previous year; the average amount of fines being Rs. 12 against 14·4 in 1873.

The subjoined table shows the detention of witnesses and the average duration of cases :—

Class of Tribunal.	Number of witnesses discharged after				Average duration of cases	
	One day.	Two days.	Three days.	More than three days.	For previous year, 1874.	For year under review, 1875.
Magistrate	1,242	87	200	9	3 days.	3 days.
Assistant Magistrate ..	2,071	389	91	11	3 days.	4 days.
Total ..	3,313	476	291	20		

The total number of witnesses examined was 4,100. The total number of persons brought up was 7,101, of whom 786 were discharged, leaving 6,365 dealt with on the evidence of 4,100 persons, as against 7,529 persons and 3,399 witnesses in 1874.

There were 3,538 cases, in 363 of which no evidence was recorded; this leaves 3,175 cases tried, and 4,100 witnesses.

Last year on the same calculation there were 3,610 and 3,399 witnesses. I do not, however, imagine that this discrepancy is altogether real, but merely that, in consequence of the remarks of the Chief Commissioner last year, the record of witnesses has been more carefully kept.

The average duration of cases is at a minimum at three days, as all summons cases must take that time, and many of them take more. The average is kept down by the night cases and police cases, which are disposed of, as a rule, in one day.

There were only four appeals to the Magistrate from the Assistant Magistrate's decisions. These were all filed in the first two quarters of the year, as the Assistant Magistrate was invested with first-class powers on the 22nd July 1875, and since that date, appeals from him have been to the Recorder.

General.

The year, as a whole, has been a quiet one in Rangoon. It cannot be said to have been (commercially) a prosperous one for the Burmese, especially in the earlier months: they were still suffering from the re-action in the rice market, which set in at the fall of the previous year. But there has been no such sudden poverty as would account for an increase of crimes against property, even as there has not been a sudden abundance of money among the masses, such as to lead to drunkenness and to violent crime. The year was singularly devoid of sensational crime, and, as far as I remember, only two cases worthy of note excited public attention to any particular degree—these were the "bribery case," and the "conspiracy case."

The former was a prosecution by the police against the promoters of a Chinese lottery for bribery and attempting to bribe the police to abstain from interfering with the lottery. These people attempted to bribe Mr. Fforde himself, and when taxed with this, they admitted it, and also that they had all, or nearly all, the police of all ranks in their pay. After a very tedious trial, the accused (five in number) were convicted. One of them escaped on appeal, and two of the sentences on the others were modified.

Conspiracy case.

This has already been so fully reported on officially and in the public prints, that it requires but a passing mention here. Thike Moung Bwah and thirty others, including one Mussulman (native of India) and two Chinamen were arrested in a charge of conspiring against the Queen. Twenty-six of them were committed to the Court of Sessions, and twenty-two were convicted. Moung Bwah was sentenced to twenty-one years' transportation, sixteen of the others to ten years' and upwards, and the remainder to shorter sentences.

Some of these convicts had been under the surveillance of the police on suspicion of treason during the earlier part of the year, when our political relations were unsettled, so as to render unusual vigilance necessary; but the rumours of plots, and the season of their probability, had passed when this case came to light.

Excise.

There has been an increased number in the number of excise cases. This is probably due to the appointment of an Excise Officer, whose sole duty is to look after the excise revenue. A considerable proportion of the cases (twenty per cent.) were for the illicit possession of *ganja*, but under a recent ruling, most of such cases are no longer punishable, and unless an alteration in the law is obtained, a considerable reduction in the number of cases may be anticipated next year.

The vigilance of the authorities in repressing the introduction of contraband opium and *ganja*, has resulted in one direction—at all events—in increasing the ingenuity of the smuggler, and every successive case brings to light new methods of "running" these articles—the last plan of smuggling opium, being to import it inside cocoanuts.

Gambling

There has been a decrease of cases in the year of report, but the number of persons convicted remains about the same. With three exceptions, all the cases have been very petty, mostly, in fact, street gambling. The three cases referred to were Chinese lottery cases, and in one of these only was the head-man caught.

Nationalities.

The subjoined table shows the nationality of the persons brought up for trial.—

	1874.	1875.
Burmese	3,496	3,156
Chinese	350	277
Natives of Bengal and Upper India	1,719	1,146
Madrassees	2,516	2,013
Chittagonians	409	317
Europeans and East Indians	118	192
Total ...	8,608	7,101

The most noteworthy feature in this table is that, whereas the total number of persons has fallen 17·5 per cent., the Burmese offenders, who form about one-half of that total, have only fallen eight per cent., so that the decrease is confined to the foreign races, among whom the number of offenders has fallen 25 per cent.; this is exclusive of European and East Indian criminals, the number of whom increases annually.

1872	98
1873	109
1874	118
1875	192

This is only a natural consequence of the development of the town and port. Of the 192, only seven were for cases which it was necessary to commit, *i. e.*, for which three months' imprisonment was not a sufficient punishment, and 116 were in cases under the shipping law.

Faction-fighting.

There have been no faction-fights of any importance during the year. The Chinese have been quiet, except one disturbance at the theatre, which threatened to become a party matter. The hostile societies have not been in collision. On that occasion, the principal members of the two associations

guaranteed the peacefulness of their followers for the remainder of the year.

I have been well satisfied with the work and conduct of the judicial establishment during the year.

RETURN OF SHIPPING CASUALTIES FOR THE YEAR 1875.

Investigation held by order of the Chief Commissioner under Act I. of 1859 and Act IV. of 1875.

Case No	Number.	Subject	Final orders.
13-1-75	1	Investigation held as to the cause of collision between the Steamer *Dacca* and the Italian ship *Michellano*	Submitted to the Recorder by order of the Chief Commissioner
5-2-75	2	Investigation as to the cause of stranding of the ship *Diadem* off China Buckeer	Certificate of the Commander suspended for twelve months
6-2-75	3	Investigation as to the cause of stranding of the British ship *Quorn*	The Commander censured for not providing himself with charts and other means of information
7 2-75	4	Investigation as to the loss of the Italian barque *Lavarellini Fratelli*	Incompetency and ignorance on the part of the Commander of the vessel which the local Government has no doubt will be properly represented in the right quarter
18-1-75	5	Investigation as to the cause of the collision between the S S *Madras and* H M. S *Briton*	The S S *Madras* was found to be in fault
12-3-75	6	Investigation as to the loss of the barque *Strata Florida* near the Krishna Shoals	Certificate of the Commander suspended for twelve months
8-4-75.	7	Investigation held as to the loss of the Government buoy-vessel *Mata Mata* running foul of B I S. N Company's steamer *Arabia*	Harbour Master Mr Fuller, who was in charge at the time, was found in fault and suspended for twelve months, by order of the Chief Commissioner

RANGOON:
MAGISTRATE'S OFFICE,
The 23rd March 1876.

LEWIS McIVER,
Officiating Magistrate.

PART II.

Courts under the supervision of the Judicial Commissioner.

(A.)—CIVIL.

From the Officiating Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 549-35, dated the 31st May 1876.

Report on the Administration of Civil Justice in British Burma for 1875.

I HAVE the honour to forward the Annual Report on the administration of civil justice in British Burma (exclusive of the town of Rangoon) for the year 1875, together with a set of statistical returns. The reports and returns were received from the different divisions and districts on the dates shown.

DIVISION.	Date of receipt in Judicial Commissioner's Office of report.	Date of receipt in Judicial Commissioner's Office of returns.
Arakan	26th February 1876	26th February 1876.
Pegu	26th March 1876	8th April 1876.
Tenasserim	20th April 1876	27th April 1876.

DISTRICT.	Date of receipt in Judicial Commissioner's Office of Report.	Date of receipt in Judical Commissioner's Office of returns.
Akyab	14th February 1876	14th February 1876.
Kyouk-hpyoo	14th ditto	14th ditto.
Sandoway	14th ditto	14th ditto.
Rangoon	10th March 1876	10th March 1876.
Thonkwa	5th February 1876	20th February 1876.
Bassein	5th ditto	5th ditto.
Henzada	7th ditto	7th ditto.
Prome	1st ditto	1st ditto.
Thayetmyo	7th ditto	7th ditto.
Amherst	26th ditto	20th ditto.
Shwe-gyeen	5th ditto	5th ditto. 26th March 1876.
Toungoo	11th March 1876	11th March 1876.
Tavoy	12th February 1876	12th February 1876. 20th April 1876.
Mergui	12th ditto	12th February 1876.
Moulmein	18th ditto	18th, ditto.

Number of cases instituted in the different Courts of original jurisdiction.

2. The subjoined table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with the similar results for the preceding year.

Division.	Name of District.	Instituted.		Disposed of.		Pending at close of year.			
						Above four months.		Total pending.	
		1874.	1875.	1874.	1875.	1874.	1875.	1874.	1875.
Arakan.	Akyab ...	1,423	1,300	1,421	1,397	...	...	6	8
	Ditto Small Cause Court ...	729	763	729	763	..	...	...	...
	Total ...	2,152	2,162	2,150	2,160	...	...	6	8
	Increase ...	..	10	...	10	...	...	...	2
	Decrease ...	..	...	.	..	...	...	...	...
	Kyouk-hpyoo ...	760	699	763	698	...	...	...	1
	Increase ...	...	..	...	...	...	...	...	1
	Decrease ...	...	61	...	65	...	...	...	...
	Sandoway ...	310	340	310	340	...	...	...	...
	Increase ...	...	30	...	30	..	...	...	...
	Decrease ...	...	...	...	...	...	..	...	...
Pegu.	Rangoon ...	2,604	1,715	2,615	1,717	...	...	21	11
	Increase ...	...	...	...	...	...	...	...	..
	Decrease ..	...	889	...	898	.	...	...	10
	Thonkwa ..	...	1,511	...	1,508	...	...	..	13
	Increase	...	...	...	...	...	...	...	...
	Decrease	...	...	...	...	...	...	..	..
	Bassein ...	3,156	3,534	3,158	3,541	..	...	28	21
	Increase ...	...	378	..	383	...	...	...	...
	Decrease ...	...			..	..	..	...	7
	Henzada ...	3,786	3,662	3,782	3,662	...	...	13	13
	Increase ...	..	.	...	...	..	..	...	...
	Decrease ...	...	124		120	...	...	...	
	Prome ..	1,987	1,971	1,987	1,984	...	..	17	4
	Increase ...	.	.		..	...	...	...	..
	Decrease ..	...	16	..	3	..		.	13
	Thayetmyo ...	1,174	1,184	1,173	1,195	...	.	16	6
	Ditto Small Cause Court .	354	363	350	367	1	..	4	..
	Total	1,528	1,548	1,523	1,562	1	...	20	6
	Increase ...		20		39	..	..	...	
	Decrease				.		1	..	14

Division.	Name of District.	Instituted.		Disposed of.		Pending at close of year.			
						Above four months.		Total pending.	
		1874.	1875.	1874.	1875.	1874.	1875.	1874.	1875.
Tenasserim.	Amherst ...	1,123	1,155	1,123	1,144	...	1	...	11
	Increase ...	...	32	...	21	...	1	...	11
	Decrease ...	...	...	...	...	...	...	...	...
	Shwe-gyeen ...	1,131	1,088	1,147	1,089	...	...	16	15
	Increase ...	...	...	...	...	...	...	...	...
	Decrease ...	...	43	...	58	...	...	...	1
	Toungoo ...	1,378	1,338	1,372	1,337	...	...	10	11
	Increase ...	...	...	...	...	...	...	...	1
	Decrease ...	...	40	...	35	...	...	...	...
	Tavoy ...	510	501	510	497	...	...	2	6
	Increase ...	...	...	...	...	...	...	...	4
	Decrease ...	...	9	...	13	...	...	...	...
	Mergui ...	723	621	718	625	...	...	5	1
	Increase ...	...	...	...	...	...	...	...	...
	Decrease ...	...	102	...	93	...	...	...	4
	Salween ...	...	...	...	...	...	...	...	...
	Increase ...	...	...	...	...	...	...	...	...
	Decrease ...	...	...	...	...	...	...	...	...
	Moulmein Judge's Court, ...	224	328	224	327	1	...	14	15
	Ditto Small Cause Side ...	2,247	2,516	2,286	2,512	...	2	31	35
	Total ...	2,471	2,844	2,510	2,839	1	2	45	50
	Increase ...	...	373	...	329	...	1	...	5
	Decrease ...	...	...	...	...	...	...	...	...
	Grand Total ...	23,753	24,689	23,802	24,703	2	3	183	171
	Increase ...	...	936	...	901	...	1	...	...
	Decrease ...	...	...	...	...	...	...	...	12

3. The number of suits instituted was 24,689 against 23,753 in 1874, an inconsiderable increase of four per cent. In Amherst, Shwe-gyeen, Toungoo, Tavoy, Akyab, Prome, and Thayetmyo, the fluctuations are not such as to call for notice. The formation of the Thonkwa District from portions of Rangoon, Bassein, and Henzada is sufficient to account for the decrease in Henzada, which was not large. In Rangoon there was a decrease of over 30 per cent. in the number of suits instituted, though the Deputy Commissioner shows an increase in the suits filed in the Courts, which now constitute the district, and attributes the increase in the Court of Assistant Commissioner of Rangoon to the panic resulting from the rumours of war with Upper Burma at the commencement of the year, which caused creditors to seek for immediate realization from those indebted to them.

Comparison of the number of suits instituted in 1874 and 1875.

4. In Bassein which also suffered a diminution of area from transfers of townships to Thonkwa, there was, notwithstanding, an increase of 378 suits. This is attributed by the Deputy Commissioner to a change in the location of one of the Courts which has been rendered thereby more easy of access, to the personal popularity of Extra Assistant Commissioner Moung An, to increase of trade, a desire on the part of creditors to recover their money quickly, and a more extended knowledge of the limitation law.

Increase of suits in Bassein.

5. In Kyouk-hpyoo, where suits instituted were fewer by nine per cent. the Deputy Commissioner writes: "The total number of cases instituted shows a decrease as compared with the year before, owing to trade not having been good, as a consequence of the difficulty in selling paddy at the commencement of the year in Akyab, where the merchants were holding out at the opening of the season for lower prices; money was in consequence scarce amongst all classes, there were fewer trading transactions and fewer disputes," and in the adjoining district of Sandoway, where suits increased in about the same ratio, the Deputy Commissioner compares the returns for five years, and is disposed to consider the increase this year as due to a gradual return to the normal state of regular increase which was disturbed by a bad harvest in 1874.

Decrease in suits in Kyouk-hpyoo.

6. In Mergui, in 1874, the number of suits instituted fell from 936 to 723, and this year again there is a large decrease, only 621 suits having been filed. Colonel Munro makes the following remarks on the subject:—
"The decrease is principally in suits not exceeding Rs. 5, 20, and "100 in value. The average value of suits shown in the table as "not exceeding Rs. 5 is Rs. 3; of Rs. 20, is Rs. 13; and of Rs. 100, "is Rs. 51. The bulk of litigation is for sums of small value. In my "last year's report I showed that the decrease of 213 suits in that "year was principally in suits for sums of small value, and that the "decrease was caused by the increased costs in suits on account of "the new method of charging for summons and subpœnas, and also "to the fee of a Pleader being fixed at Rs. 5, however small the value

Decrease of suits in Mergui.

"of the suit. These causes are still in operation, and are, in my "opinion, the reason of the further decrease in litigation in the present "year.

"However desirable it may be to improve the position of the "pleaders by giving them a fixed minimum fee, the result is that, com- "bined with the increased cost of summons and subpœnas, poor "persons cannot afford to institute suits for the recovery of small "sums of money, and, as the bulk of the litigation in this district is "for small sums, that the poorer class are being practically debarred "from applying to the courts, and left to settle their pecuniary dis- "putes in the best way they can without their aid. The Judicial "Commissioner, in his last year's report, remarked that the procedure "of the Courts was simple enough to admit of suitors in petty mat- "ters conducting their own suits, without the intervention of a "pleader; but practically this is exactly what they are unable to do. "Ignorant villagers have not the slightest idea how they should bring "their cases before the court, how to write their plaint, or even on "what value of stamp paper it should be written: they must go to "some one who will inform them on these and other necessary points "of procedure in conducting a suit, and the pleader is the only per- "son to whom they can apply. They neither can nor will conduct their "cases themselves, and, as long as the present minimum fee, together "with the higher cost of process-serving, exist, will it be found that "the poorer suitors for small sums are unable to afford bringing their "cases into court. Perhaps, on the whole, the diminution of suits "for such petty sums may prove of advantage to the people, but "litigation will, I believe, for the reasons I have given, continue to "decrease in this district, till the suits for petty sums fall to a kind "of fixed average."

Reasons why income does not cover expenses in the Mergui District.

7. The peculiar confirmation of the Mergui District, consisting of a long, narrow slip of coast and numerous islands, renders communication difficult, and, even on the present scale of process fees, the income does not cover the expenses, the balance-sheet for the year showing deficit of Rs. 527-14-0, so that no further reduction of the fees is practicable, while the reasons given for fixing the minimum amount which can be adjudged as costs on account of an advocate's fee at Rs. 5, are of great weight. Advocates are now admitted only on stringent conditions as to respectability, moral character, and legal attainments, and the Courts are bound to uphold the status of these officers in the interests of the general public, even though in some particular cases hardship may ensue.

Suits filed in Moulmein Judge's Court.

8. In the Court of the Judge of Moulmein there was a considerable increase in suits filed, both on the Regular and Small Cause Court side, for which Mr. Macleod finds it difficult to account.

Suits pending in the same Court.

9. There were 171 suits pending at the close of the year, of which only three were over four months. One in the Amherst District was delayed owing to the difficulty of serving notices on the

defendant, who had gone on a journey into the Shan States, and two on the Small Cause Court side of the Moulmein Judge's Court were awaiting replies to Commission sent to India to examine absent witnesses.

Character of the original litigation in the different districts and classes of Courts.

10. The next table shows the character of the original litigation in the different districts and classes of Courts :—

Division.	Name of District.	Number of suits instituted for: Money due on contract, or damages for breach thereof. Written.	Money due on contract, or damages for breach thereof. Unwritten.	Specific performance of contract.	Moveable property, or interest therein.	Damages on account of torts.	Rights arising from status.	Account.	Dissolution of partnership.	Immoveable property, or interests therein.	Other suits not included in the above.	Total.
Arakan	Akyab	344	775	1	92	36	67	...	...	84	...	1,399
	Do. Small Cause Court	117	550	...	75	12	...	...	...	...	...	763
	Kyouk-hpyoo	109	296	1	97	52	59	...	...	95	...	699
	Sandoway	49	123	...	75	29	17	...	...	47	...	340
Pegu	Rangoon	890	444	44	135	153	54	...	...	52	3	1,715
	Thonkwa	948	360	92	256	141	26	2	...	259	7	1,511
	Bassein	535	1,639	...	443	691	155	...	...	71	...	3,534
	Henzada	328	1,440	45	422	1,103	151	5	...	153	6	3,663
	Prome	207	1,122	55	120	277	109	...	...	81	3	1,971
	Thayetmyo	694	190	41	100	161	63	...	...	74	3	1,185
	Do Small Cause Court	212	149	...	...	2	...	...	...	...	...	363
Tenasserim	Amherst	211	451	19	191	98	44	10	...	101	...	1,155
	Shwe-gyeen	156	386	...	146	35	...	316	...	49	...	1,088
	Toungoo	319	692	...	186	...	79	...	4	56	3	1,338
	Tavoy	190	57	24	58	44	25	4	...	96	...	501
	Mergui	269	263	...	13	38	23	...	...	15	...	621
	Salween	...	...	...	...	...	...	...	...	...	...	...
	Moulmein Judge's Court	189	77	4	13	6	21	4	...	13	1	328
	Do. Small Cause Side	1,300	1,113	...	87	16	...	...	...	...	...	2,516
	Total	6,347	10,116	286	2,520	2,894	838	341	4	1,256	22	24,669

As usual, the bulk of the civil litigation consisted of suits for money due on contract or damages for the breach thereof, and of such suits the proportion brought on written instruments has largely increased. I append a table showing per-centage of suits brought on written instruments to total number of suits for money in

	1874.	1875.
Rangoon	34	65
Thonkwa	..	47
Bassein	20	24
Henzada	13	18
Prome	15	15
Thayetmyo	20	75
Amherst	28	30
Shwe-gyeen	25	28
Toungoo	27	31
Tavoy	73	76
Mergui	42	50
Moulmein	52	55
Akyab	22	25
Kyouk-hpyoo	40	27
Sandoway	54	28

Use of written instruments.

11. The Deputy Commissioner of Rangoon considers that larger contact with the careful native of India has taught the Burman to be more exact in his trade transactions, and I can well understand a gradual increase in the use of written obligations both there and at Moulmein, but the results shown in Thayetmyo called for a more detailed explanation than that offered by Major Plant, *viz.*, that they indicate more careful and business-like manner on part of the public.

Proportion of suits in which written instruments were used in Thayetmyo.

12. In 1874, the total number of suits of this class in the Thayetmyo Courts was 1,077, of which 20 per cent. were on written instruments; this year the amount of suits being much the same the per-centage shown as brought on written instruments is nearly seventy-five. A further explanation will be called for from the Deputy Commissioner.

No suits for damages on account of torts were instituted in Toungoo.

13. No suits for damages on account of torts were instituted in Toungoo, and the small number of such suits in the Court of the Judge of Moulmein is worthy of notice.

Rights arising from status and suits connected with matrimony.

14. Rights arising from status and suits connected with matrimony are the most numerous class falling under this head. Shwe-gyeen is the only district in the province in which no such suits were brought during the year. No explanation is given by the Deputy Commissioner of the absence of a class of suits not unfrequent elsewhere, they amounted to three per cent. in the total litigation of the province—a smaller proportion than last year, when they exceeded five per cent.

15. Kyouk-hpyoo and Sandoway show the largest per-centage of suits of this class.

Increase in suits for restitution of conjugal rights in Moulmein.

16. The Judge of Moulmein has the following remarks on the subject :—

A large increase occurred in suits for restitution of conjugal rights which reached the number of sixteen, exceeding those of the previous year by eleven.

Decrease in these suits have hitherto been executed in the manner provided by Section 200 of the Civil Procedure Code in accordance with rulings of the High Court of Bengal, to the effect that such decrees could be executed by arrest and imprisonment of the wife or by attachment of her property or both. But a recent ruling of the same Court (Gatha Ram Mistree *versus* Moohita Kochin Atteat Domôree, Bengal Law Report, XIV., page 298) is diametrically opposed to the previous decisions, and renders the decree a mere declaration which cannot be enforced. The effect of this ruling will be to keep entirely out of Court suits of this character. I am not prepared here to give my views on the subject, but I think it desirable that the law on the point should be more settled than it is now, especially as the later decision as regards the *dictum* as to decrease in suits for restitution of conjugal rights not being enforceable by execution, went beyond the points for determination in that suit, and is opposed to two previous rulings of the High Court that had long determined the law on the subject. The question will probably be settled by the Specific Relief and Procedure Bills now before the Legislative Council.

Small per-centage of suits for immovable property.

17. Suits for immovable property were less than five per cent. of the total litigation, a state of things surprising to an officer from Upper India. Last year the per-centage was somewhat higher.

18. In the Districts of Thonkwa, Tavoy, Kyouk-hpyoo, and Sandoway, the proportions of such suits (*see* marginal note) are far in excess, as well of the provincial average, as of the per-centages shown in the adjoining districts, while Henzada and Prome, which were commented on in last year for the number of such cases, show nothing abnormal in this respect.

Thonkwa ..	.. 259
Tavoy ..	.. 96
Kyouk-hpyoo	.. 95
Sandoway ..	.. 47

Suits for immovable property in Tavoy, Thonkwa, Sandoway, and Kyouk-hpyoo.

19. No explanation is to be gathered from the reports of the District Officers of Tavoy, Thonkwa, and Sandoway, but the Deputy Commissioner of Kyouk-hpyoo makes the following remarks on the subject of the large number of suits respecting immovable property shown in his returns :—

The demand for paddy-land and the clause in the Limitation Act, by which land mortgaged can be redeemed within sixty years, have led to a great revival of claims resting on a slight foundation. Indeed, land is so much in request, that it has given rise to a mode of succession in inheritance that appears peculiar to this district, it is when the parcel of land cannot be divided into portions sufficiently large for several to work, that the heirs cultivate the land in turn. This is a very fruitful source of litigation, as not only are disputes amongst the heirs frequent as to the right to cultivate in their turn, but fresh claimaints are constantly coming forward—a very objectionable practice seems also to exist in this district of forcibly taking possession of the land they lay claim to, leaving the opposite party to prosecute his claims in the Civil Court.

Similar suits in the Rangoon District.

20. Mr. Ireland accounts for the small number of such suits in the Rangoon District as follows :—

Inheritance suits involving those minute questions of division of joint ancestral estate, so common elsewhere, are almost unknown in Rangoon. The individual estates in the hands of the peasants are much larger than in other districts of Pegu, and owing to the sparseness of the population, foreign aid has to be largely called in to assist in cultivation.

This leads to debt, heavy advances, and other incumbrances which cause land to change hands extensively. Proprietary rights, founded

on long possession, are therefore not so common: and questions of inheritance, which are disputed with so much persistency and even bitterness, among members of families elsewhere, are here more rare. The minute acquaintanceship with the law governing the distribution of property, possessed in a remarkable degree by individual peasant proprietors in other districts, is here almost wanting, because it is rarely required to protect existing interests."

Large number of suits shown under accounts in Shwe-gyeen.

21. The large number of suits shown under accounts in Shwe-gyeen makes me doubtful as to the correctness of the classification of Civil suits in that district.

Value of original suits.

22. The value of original suits was as follows— :

Division.	Name of District.	Number of suits disposed of valued at not exceeding							Above Rs. 1,00,000.	Total value of suits.
		Rs. 5	Rs. 20	Rs. 100	Rs. 500	Rs. 3,000	Rs. 10,000	Rs. 1,00,000		
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.
Arakan.	Akyab	68	280	590	379	47	3	1	...	2,44,580 13 3
	Do. Small Cause Court	91	308	364	..	.	.	...	...	30,260 10 4
	Kyouk-hpyoo ..	142	221	275	58	3	..	...	...	29,405 8 3
	Sandoway .. .	55	112	139	34		...	...	...	13,850 8 11
Pegu.	Rangoon	69	285	560	720	74	...	...	...	2,05,296 0 0
	Thonkwa	122	300	817	236	6	1	...	...	1,08,690 8 3
	Bassein	395	955	1,097	443	40	2	...	...	2,44,480 14 2
	Henzada	278	945	2,025	401	12	1	...	...	1,84,707 15 8
	Prome	263	627	819	221	54	..	..	...	1,21,920 0 0
	Thayetmyo	178	359	512	135	11	...	...	...	55,606 14 5
	Do. Small Cause Court ...	122	157	87	1		...	...	.	5,193 7 1
Tenasserim.	Amherst	101	325	574	125	10	...	...	.	81,333 5 6
	Shwe-gyeen	145	289	482	155	18	...	...	...	80,258 3 6
	Toungoo	147	301	480	195	38	4	...	..	1,29,938 1 4
	Tavoy	38	148	248	59	4	..	...	..	29,601 0 0
	Mergui	52	182	329	57	5	...	...	...	34,970 5 6
	Salween .	..	...	..	..	...	...	..	..	...
	Moulmein Judge's Court ..	3	55	134	68	35	3	3	..	1,56,345 6 0
	Do. Small Cause Side .	97	835	1,143	387	50	...	...		1,79,660 7 0
	Total ..	2,386	6,774	11,293	3,674	425	14	4	...	19,36,100 10 11

23. The total value of suits is Rs. 19,36,100-10-11 as compared with Rs. 17,39,667 last year.

Value compared with 1874.

Decrease in suits of Rs. 5 and under.

24. There is a decrease of 359 in suits of Rs. 5 and under.

Increase in like suits in Bassein, Kyouk-hpyoo, and decrease in Akyab, Rangoon, Henzada, Prome, Tavoy, and Mergui.

25. Bassein and Kyouk-hpyoo alone show an increase in this class of suits. In Akyab, Rangoon, Henzada, Prome, Tavoy, and Mergui the diminution was considerable. I concur with Mr. Sandford that a decrease in litigation for such small sums is not a matter for regret.

Values of suits in Mr. McLeod's Court.

26. Mr. McLeod has the following remarks on the values of suits in his Court :—

As in the previous year the value of the property in litigation was in inverse proportion to the increase in the number of suits, a decrease occurred of Rs. 28,805-10 as compared with the previous year, which is due to the suits over Rs. 10,000 in value having been of less aggregate value. In 1874, the value of these suits amounted to Rs. 1,16,976-12, in the year under review to Rs. 67,700. The number of such suits remained at the same figure. The decrease was on the Superior Side only. The Small Cause Side shows a large increase which is due both to the larger number of suits disposed of, and to there having been more suits over Rs. 500 in value than in the preceding year, and to the suits generally having been of higher value.

Manner in which litigation was disposed of in the several Courts.

27. The manner in which the litigation was disposed of in the several Courts is shown below :—

Division.	Name of District.	Number of cases brought on the file, including pending from last year.	Transferred.	Withdrawn or adjusted without decree.	Dismissed for non-appearance of either party.	Decreed on compromise or confession.	Decreed *ex parte*.	Judgment by default.	Decreed by arbitration.	Contested cases.		Pending.
										Judgment for plaintiff.	Judgment for defendant.	
Arakan :	Akyab	1,405	...	105	244	271	251	2	5	334	125	8
	Ditto Small Cause Court,	703	...	36	148	63	167	...	...	230	110	...
	Kyouk-hpyoo	600	...	158	60	81	84	...	1	222	88	1
	Sandoway	340	...	15	30	119	21	3	2	104	46	...
Pegu :	Rangoon	1,728	4	60	441	320	334	23	26	367	133	11
	Thonkwa	1,521	4	117	332	271	301	2	26	325	130	13
	Bassein	3,562	9	371	671	447	572	12	47	960	452	21
	Henzada	3,675	10	37	597	773	433	55	28	1,183	546	13
	Prome	1,988	23	13	529	312	303	...	55	570	179	4
	Thayetmyo	1,201	7	9	86	379	145	57	10	345	157	6
	Ditto Small Cause Court,	367	...	18	8	165	135	...	...	35	6	...
Tenasserim :	Amherst	1,155	8	87	126	122	127	59	15	408	192	11
	Shwe-gyeen	1,104	3	148	90	224	137	5	23	313	140	15
	Toungoo	1,348	10	32	95	421	101	16	8	401	103	11
	Tavoy	503	3	18	29	68	25	3	...	248	103	6
	Mergui	626	...	43	50	198	117	2	...	149	66	1
	Salween	...	...	...	...	...	...	...	...	...	...	...
	Moulmein Judge's Court,	342	2	34	24	13	145	2	...	77	30	15
	Ditto Small Cause Side,	2,547	15	159	383	133	961	5	4	603	249	35
	Total ...	24,874	98	1,520	3,958	4,389	4,449	246	250	6,683	2,910	171

Number of contested suits.

28. Of the suits instituted 9,793, or nearly 40 per-cent., were contested, 6,883 being decided in favour of plaintiffs, and 2,910 for defendants.

Proportion of contested suits in Tavoy.

29. In Tavoy the proportion of contested suits was so high as 69 per-cent.; in Amherst it was 51, and in the districts noted at foot it was 40 or over.

Proportion in Rangoon and Thonkwa.

30. In Rangoon and Thonkwa the proportion was so low as 29 per cent. The greater or less accessibility of the Courts no doubt affects these returns: a defendant will not always contest a just or even, perhaps, a doubtful claim when he can do so only by taking a long and expensive journey, involving absence from his house for several days. I have taken great trouble during my visit of inspection, and also by remarks in cases and quarterly returns, to impress on the Courts the necessity for allowing defendants sufficient time to appear and answer for satisfying themselves that summonses have been duly served, and for disposing of cases only on days of which due notice was given to the parties, and I am assured very generally by District Officers that the provisions of the law on those points are substantially carried out.

Reason for the large proportion of uncontested cases.

31. The large proportion of uncontested cases is attributed to the readiness of Burmans to settle claims they know to be just rather than undergo the vexation and expense of a law-suit.

Small number of applications for revival of suits dismissed in default.

32. The small number of applications for the revival of suits dismissed in default and to set aside *ex parte* judgment confirms this theory.

Number of cases decreed *ex parte* and on confession.

33. Adding the number of cases decreed *ex parte* and on confession to those decided in their merits in favour of plaintiff, we find that 77 per cent. were decided by the Courts in favour of plaintiff—a result which points to a comparative absence of unfounded claims. Only 250 cases for the entire province were decided by arbitration against 385 last year: Of these 55 were in the Prome District, where one Extra Assistant Commissioner (Moung Phoo) referred 33 cases, or nearly one-tenth of the number before his Court, and in Bassein 21 cases were so referred by Extra Assistant Commissioner Shwe Tsee.

Cases not generally referred to arbitration.

34. As stated in last year's report, there is reason to fear that such cases are not always referred by the parties without pressure by the Court.

Detention of witnesses, and average duration of suits.

35. The detention of witnesses and the average duration of suit in Courts of original jurisdiction and the average number of adjournments was as follows:—

Kyouk-hpyoo, Sandoway, Henzada, Shwe-gyeen, Toungoo.

Division	Name of District	Number of witnesses discharged after				Average duration of suits.				Average number of adjournments	
						For previous year		For year of report			
		One day.	Two days	Three days.	More than three days.	Contested	Uncontested.	Contested.	Uncontested	For previous year	For year of report
Arakan	Akyab	2,403	41			10	4 6	8 6	8	2 5	1 4
	Do Small Cause Court	896				3	2	3	2		1·
	Kyouk hpyoo	1,503	64	1		5 72	3 61	10 5	6	1 17	1 8
	Sandoway	669	5			7	6	9	4	1	1 52
Pegu	Rangoon	1,088	423	46	17	22·	7	13 2	9	1	1 93
	Thonkwa	1,060	162	140	28			10	4		1
	Bassein	4,441	382	51	37	9	5·	8 66	5 76	1 25	1
	Henzada	5,340	556	88	17	9	3	14	5	64	1 9
	Prome	2,583	494	40	16	14 38	6 51	9	3 7	1 38	1 36
	Thayetmyo	2,003	83	9	14	6	4	9	5	1	1
	Do Small Cause Court	135				8	7	8	4	1 49	1
Tenasserim	Amherst	1,552	237	10	12	15 61	7 57	12	5	4 2	1 78
	Shwe gyeen	1,427	266	52		9 71	6 42	15 1	7 5	2 4	2 4
	Toungoo	1,385	63	14	14	5	6	4 7	2		1
	Tavoy	1,414	17			16	6 5	15 38	5 6	1 6	2 2
	Mergui	825	53	2		9	3	8	2	2	2
	Salween					15	2			1	
	Moulmein Judge's Court	151	71	52	64	40	15	27	18	1 35	2 85
	Do. Small Cause Side,	1,561	454	73	21	9	8	12	9	20	1 75
	Total	30,516	3,370	578	260	11 5	5 8	10 9	5 8	1 5	1 5

Detention of witnesses compared

36. Thirty-four thousand seven hundred and twenty-four witnesses were examined by the Courts; of whom 4,208, or 13 per cent., were detained for more than one day.

Detention of witnesses most marked in Rangoon District.

37. Omitting the regular side of the Moulmein Judge's Court, where the results shown are due rather to the intricacy of the cases tried, than to want of method or diligence on the part of the Judge, by far the worst results are shown in the Rangoon District, where merely one-half of the witnesses examined were detained more than one day.

Detentions in the Courts of the Extra Assistant Commissioners of Pegu and Angyee.

38. Turning to the district returns, I find that, in the Courts of the Extra Assistant Commissioners of Pegu and Angyee, the number detained for two days and more was about double the number discharged after one day, and that in the other Courts presided over by Native Judges the detention, though not so enormous, was still excessive.

Deputy Commissioner's explanation regarding detentions.

39. The Deputy Commissioner offers the following explanations :—

The detention of witnesses is not so very satisfactory. It is worst in Pegu and Syriam, and in the Rangoon Assistant Commissioner's Court the detention is long in some instances. In out-lying Courts there must always be some delay in disposing of Civil witnesses, as the Judge of the Court has important Revenue and Executive duties to perform, which necessitate his absence from head-quarters, at *uncertain* times, probably for a week or more. This should be taken into account before the officers concerned are condemned for dilatoriness or laziness.

In fact, it would be unjust to accuse any of the presiding Burmese Judges of the Pegu or Angyee Courts of laziness. The writer of this report can vouch for the thoroughly zealous and conscientious manner in which Moung Shwe Zin of Pegu and Moung Pho of Angyee perform their work, and also can testify to their constant attention to their duties, both early and late, and there is no question but that they could satisfactorily account for every hour of their time. Any one who has a knowledge of the varied work to be performed by the Assistant Commissioner of Rangoon, will readily understand any delay in disposing of his witnesses.

In Pegu and Syriam, Assistant Commissioners having taken the bulk of the criminal work off the hands of the Extra Assistant Commissioners, an improvement may be looked for next year, but only provided that Executive work does not unduly interfere with Court duties. I have laid particular stress on this subject as the Chief Commissioner, in his minute on the Judicial Report for 1874, specially commented on delay in disposing of witnesses, and seemed to say that such was due to want of attention and energy on the part of the Judges.

40. It is impossible for me to judge of the sufficiency of the excuse as to the large amount of Executive work thrown on these Officers, but it appears to me incomprehensible why, if this be really the cause of the unsatisfactory state of things shown, similar results should not have been apparent in other districts of the province, where, as in Rangoon, Extra Assistant Commissioners have also Executive duties to attend to.

Average duration of contested and uncontested cases.

41. The average duration for the province was in contested suits 10·9, and in uncontested 5·8—a slight improvement on last year.

Average in Shwe-gyeen.

42. In Shwe-gyeen which shows a high average for contested cases, the greatest delay was in the Kyeikhto Sub-division. A young, but "conscientious" Officer presided over that Court, who had to acquire both Judicial experience and knowledge of the language—I fear at the expense of the suitors.

Decrees passed by the several Civil Courts.

43. The next table shows the number of decrees passed by the several Civil Courts, the number of applications for execution, and the degree in which the applications were satisfied.

Division.	Name of District.	Number of decrees passed during the year.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Applications struck off.	Pending at close of year.	
							For more than four months.	Total pending.
Arakan:	Akyab	963	498	207	93	176	...	22
	Do. Small Cause Court	579	174	54	15	103	...	2
	Kyouk-hpyoo	470	186	103	31	50	...	2
	Sandoway	295	69	43	5	20	...	1
Pegu:	Rangoon	1,183	421	159	58	194	...	10
	Thonkwa	1,056	234	87	39	99	...	9
	Bassein	2,490	640	264	121	237	...	18
	Henzada	2,575	395	237	122	32	...	4
	Prome	1,262	409	286	74	31	...	18
	Thayetmyo	1,195	234	130	70	15	4	19
	Do. Small Cause Court	367	124	75	49	...	...	...
Tenasserim:	Amherst	923	388	240	63	60	...	25
	Shwe-gyeen	1,089	242	204	32	6	...	...
	Toungoo	1,209	407	288	115	4	...	...
	Tavoy	445	131	100	19	12	...	...
	Mergui	456	143	85	41	17	...	...
	Salween	...	...	...	...	...	...	...
	Moulmein Judge's Court	278	134	22	36	70	...	6
	Ditto Small Cause Side ...	1,983	1,082	218	155	624	...	85
	Total ...	18,838	5,911	2,802	1,138	1,750	4	221

44. The number of decrees passed during the year was 18,838. There were 5,911 applications for execution of decrees, of which nearly 50 per cent. was successful in securing full, and 20 per cent. partial, satisfaction; 1,750 were struck off the file, generally for default; and 221 were pending. These results, though not altogether so favourable as last year, are still good.

Details regarding decrees.

45. The Deputy Commissioner of Thayetmyo has given no explanation of four applications pending more than four months in the Court of Mr. Perreau, Assistant Commissioner.

Applications pending more than four months in the Court of Mr. Perreau.

46. Processes of execution were issued as follows:—

Number of processes of execution issued.

Division.	Name of District.	Mode of Execution.								
		Delivery of possession.	Specific performance.	Person.		Movable property.		Immovable property.		Orders under Section 243, Act VIII. of 1859.
				Arrest.	Imprisonment.	Attachment.	Sale.	Attachment.	Sale.	
Pegu: Arakan:	Akyab	7	1	184	22	222	70	119	46	2
	Do. Small Cause Court ...	...	...	139	9	36	24	...	...	...
	Kyouk-hpyoo	30	...	12	2	38	6	31	15	...
	Sandoway	...	...	7	2	30	4	12	4	...
	Rangoon	13	51	113	...	226	97	122	58	...
	Thonkwa	1	23	74	20	142	51	29	11	...
	Bassein	...	...	214	74	373	92	103	45	10
	Henzada	17	...	106	30	206	51	104	49	3
	Prome	...	...	68	13	191	147	116	72	...
	Thayetmyo ... Do. Small Cause Court ...	...	11	86	...	236	93	67	45	...
Tenasserim:	Amherst	6	4	115	20	127	51	52	27	7
	Shwe-gyeen	...	...	88	10	114	22	73	11	1
	Toungoo	4	1	113	23	215	49	74	27	...
	Tavoy	25	...	52	7	7	1	23	7	...
	Mergui	59	...	47	32	6	3	14	4	...
	Salween	...	...	...	...	...	...	...	...	...
	Town of Moulmein ...	5	...	197	47	123	71	25	23	11
	Total ..	167	91	1,615	311	2,294	832	1,027	444	34

Details regarding processes issued.

47. Of 1,615 persons, for whose arrest processes were issued, only 311 were actually sent to the civil jail. The other persons arrested managed to satisfy their creditors while they were still in the hands of the bailiff. In many cases also the persons sought for may have succeeded in eluding the process-servers. Rangoon this year again shows a large number of processes issued for arrest, and not a single person sent to prison: explanation will be asked for.

Condition of Civil prisoners in jails.

48. In my visits of inspection I have paid special attention at different jails to the condition of the civil prisoners, and recorded what remarks appeared to me necessary. The subject of separate accommodation for female debtors has been brought to the notice of the Chief Commissioner during the year.

Processes for attachment and sale of movable property.

49. Two thousand two hundred and ninety-four processes were issued for the attachment, and 832 for the sale of movable property; but, as pointed out by the Deputy Commissioner of Rangoon, many of these processes may have been infructuous, and no conclusion can be drawn from the figures as to the number of attachments that were really made.

Sales of immovable property, as compared with number of attachments.

50. There were 444 sales of immovable property against 1,024 attachments. I assume, as was done in last year's report, that these figures represent sales which actually took place. Whether this is so or not, is at present under enquiry on a reference from the Government of India.

Nature of applications, and miscellaneous business of Civil Courts.

51. The next table shows the nature of the applications and miscellaneous business performed by the Civil Courts throughout the year.

Division	Name of District.	Applications												Total number instituted.	Total number disposed of.	Number left pending.	Of these number pending for more than two months.
		Pleints rejected or returned.	For arrest or attachment before judgment, or for injunction.	Relating to execution of decree.	To sue as a pauper.	For review of judgment or new trial.	For certificate to collect debts under Act XVIII. of 1860.	For grant of probate or letters-of-administration.	For relief in cases of disputed succession under Act XIX. of 1841.	For the charge of person or property of minors, Acts XL. of 1858 and IX. of 1861.	For appointment of manager or guardian of lunatic, or admission into Lunatic Asylum, Acts XXXIV. and XXXV. of 1858.	For establishment of right to have document registered, Sections 73—76, Act XIII. of 1871.				
Arakan:	Akyab	8	139	123	35	22	31	...	...	3	...	2	363	358	5	...
	Do. Small Cause Court.	25	21	17	10	4	...	...	...	...	...	...	77	77	...	...
	Kyouk-hpyoo	2	76	43	1	3	4	1	...	...	...	...	129	129	...	...
	Sandoway	1	30	70	...	4	...	1	...	...	...	...	106	105	1	...
Pegu:	Rangoon	18	20	220	4	10	12	4	...	1	...	...	289	283	6	...
	Thonkwa	36	83	94	9	26	2	5	...	1	...	...	252	247	5	...
	Bassein	5	243	676	15	6	...	1	...	...	1	...	1,149	1,122	27	...
	Henzada	6	25	385	7	10	10	1	...	3	...	...	445	442	3	2
	Prome	3	166	284	64	41	...	3	...	...	...	...	551	538	13	...
	Thayetmyo	94	73	64	18	...	...	...	...	...	...	...	271	270	1	...
	Do. Small Cause Court.	...	5	1	...	...	...	...	...	...	...	...	6	6	...	...
Tenasserim:	Amherst	19	15	89	...	27	2	2	...	...	1	...	164	147	7	...
	Shwe-gyeen	3	238	153	2	18	2	1	...	...	...	...	418	415	3	...
	Toungoo	...	67	129	10	11	8	...	...	...	...	...	225	225	...	...
	Tavoy	5	3	131	1	4	2	1	...	...	...	...	146	145	1	...
	Mergui	16	15	18	1	2	1	...	...	...	...	...	54	54	...	...
	Salween	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Town of Moulmein	20	99	283	5	45	1	47	...	...	...	...	699*	692	7	2
	Total	261	1,316	2,990	182	233	75	66	...	8	2	2	5,384	5,255	79	2

* 199 miscellaneous cases included.

Increase in applications for arrest or attachment before judgment.

52. There has been a large increase in applications for arrest or attachment before judgment, and relating to execution of decree (chiefly claims to attached property).

Increase in applications for certificates to collect debts, &c.

53. Applications for certificates to collect debts under Section 27, 1,860, and for probate or letters-of-administration have also increased.

Views of Judge of Moulmein on the realization and evasion of probate duty.

54. The Judge of Moulmein makes the following observations on the realization and evasion of probate duty:—

Duty amounting to Rs. 2,411, or Rs. 443 in excess of the previous year, was paid in respect of four probates and 18 letters-of-administration, and further duty of Rs. 950-12 was realized by enforcement of the provisions of Section 277 of the Indian Succession Act. The probate duty realized in all amounted to Rs. 3,361-12 against Rs. 2,625-10 obtained in the preceding year. It is much to be feared that the estates of deceased persons are greatly under-valued to escape the duty which is imposed if the property exceeds Rs. 1,000 in value. Instances have occurred of excessive under-valuation which could scarcely be excused as due to ignorance of the real value, and the value of the property is no doubt often placed below Rs. 1,000 to escape duty altogether. The result of the slight check that Section 277 enables the Court to exercise are sufficient to justify the suspicion that the payment of duty is largely evaded.

The provisions of the Government rule, which enable administrators to recover the duty paid on so much of the assets as may have been applied to the discharge of debts, take away from the hardship of levying duty on the gross assets in the case of estates heavily burdened with debt.

A suggestion of Mr. Macleod during the present year, that an addition should be made to the sanctioned form of probates and letters-of-administration, calling attention to the provisions of Act XIII. of 1875, is being acted on.

Number of appeals preferred to Deputy Commissioners.

55. The subjoined table shows the of number appeals preferred to the Deputy Commissioners from the decrees of the subordinate Courts, and the proportion in which the decrees appealed against were upheld.

Division.	Name of District.	Name and designation of Judge from whose decision appeal was preferred.	Number of appealable decrees passed by him.	Number of appeals preferred.	Number of decrees confirmed.	Number modified.	Number reversed.	Proportion of reversals and modifications to appealable decrees.	Number of cases examined by Deputy Commissioner.
Arakan.	Akyab	Moung Hla Gyaw Oo, Extra Assistant Commissioner, 3rd class, 3rd grade ..	98	8	3	...	5	5·1	..
		Moung Mra Tha Doon, ditto, 3rd class, 3rd grade ...	47	2	1	...	1	2·1	...
		Moung Tsan Hla Baw, ditto, 3rd class, 1st grade ...	79	1	...	...	1	1·2	...
		Moung Shwe Bwin, ditto, 3rd class, 1st grade ...	40	7	3	1	3	10·	...
		Moung Raiphaw Thoo, ditto, 3rd class, 3rd grade ...	65	7	3	...	4	6·1	...
		Moung Shwe Taw, ditto, 1st class, 1st grade ...	42	3	2	...	1	2·3	...
		Moung Mra Tha Doon, ditto, 3rd class, 3rd grade ...	17	1	...	...	1	5·8	...
		Moung Htoon Oo, ditto, 3rd class, 1st grade ...	87	22	10	1	10	12·6	...
		Moung Thadoway, ditto, 1st class, 2nd grade ..	206	16	12	...	4	1·9	...
		Mr. C. J. A. Duke, Assistant Commissioner ...	2	1	...	...	1	50·	...
		Mr. L. Gordon, ditto, ...	27	2	1	...	1	3·7	...
	Kyoukhpyoo.	Moung Shwe Dike Kay, Extra Assistant Commissioner, 1st class, 1st grade	76	27	14	2	10	15·7	...
		Moung Shwe Boo, ditto, 2nd class, 1st grade ...	101	16	7	1	8	8·9	...
		Moung Hla Htoon Oung, ditto, 3rd class, 1st grade ...	54	18	7	2	8	18·9	...
		Moung Htoon Aye, ditto, 3rd class, 3rd grade ...	...	...	...	...	...	...	...
		Moung Tsaw Hla Phroo, ditto, 3rd class, 3rd grade ...	51	3	1	...	2	3·9	...
	Sandoway.	Moung Tsan Oo, ditto, 3rd class, 3rd grade ...	24	1	1	...	...	...	.
		Moung Shwe Dein, ditto, 3rd class, 2nd grade ...	58	7	4	...	3	5·18	...
		Moung Kyouk Khai, ditto, 3rd class, 3rd grade ...	25	3	2	...	1	4·	...
		Moung Pha Phroo, ditto, 3rd class, 1st grade ...	43	14	6	1	6	16·27	...
Pegu.	Rangoon.	Moung Bah Too, ditto, 3rd class, 3rd grade ...	96	7	3	1	2	3·12	...
		Moung Gyee, ditto, 1st class, 2nd grade	276	9	6	...	2	0·72	...
		Moung Bah Gyau, ditto, 3rd class, 3rd grade							
		Moung Shwe Kyee, ditto, 3rd class, 2nd grade ...	146	7	3	1	3	2·7	...
		Moung Pay, ditto, 3rd class, 2nd grade ...	155	4	1	...	...	...	...
		Moung Shwe Zin, ditto, 3rd class, 1st grade	163	14	5	1	5	3·6	...
		Moung Wike, ditto, 2nd class, 2nd grade ...							
		Moung Hpo, ditto, 2nd class, 2nd grade ..	196	10	5	1	...	0·5	...

Division.	Name of District.	Name and designation of Judge from whose decision appeal was preferred.	Number of appealable decrees passed by him.	Number of appeals preferred.	Number of decrees confirmed.	Number modified.	Number reversed.	Proportion of reversals and modifications to appealable decrees.	Number of cases examined by Deputy Commissioner.
Pegu—(continued).	Rangoon.	Lieutenant H. Boileau, Assistant Commissioner							
		Lieutenant W. H. Grey, Assistant Commissioner							
		Lieutenant B. A. N. Parrott, Assistant Commissioner	141	18	7	1	1	1·4	...
		Mr. C. J. A. Duke, Assistant Commissioner							
		Lieutenant B. A. N. Parrott, Assistant Commissioner, Syriam ...	4	...	...	..	...	...	...
		Lieutenant F. D. Raikes, Assistant Commissioner, Pegu	6	...	...	...	...	..	...
	Thonkwa.	Lieutenant B. A. N. Parrott, Assistant Commissioner, Ma-oo-bin							
		Mr. A. C. Bainbridge, Assistant Commissioner, Maoobeing ...	20	1	1	..	..	...	...
		Mr. A. L. Hough, Assistant Commissioner, Ma-oo-bin							
		Lieutenant F. D. Raikes, Assistant Commissioner, Yandoon ...							
		Mr. A. C. Bainbridge, Assistant Commissioner, Yandoon ...	2	...	...	...	...	...	...
		Lieutenant B. A. N. Parrott, Assistant Commissioner, Yandoon ...							
		Mr. C. J. A. Duke, Assistant Commissioner, Yandoon							
		Mr. R. McLeod, Extra Assistant Commissioner							
		Mr. G. L. Weidemann, Assistant Commissioner	55	1	1	...	...	...	...
		Mr. A. R. Birks, Assistant Commissioner	92	8	6	...	2	2·	..
		Moung Shwe Thee, Extra Assistant Commissioner, 3rd class, 1st grade,	63	16	12	...	4	6·	...
		Moung Htoon Oung, ditto, 3rd class, 3rd grade ...							
		Moung Gyee, ditto, 1st class, 2nd grade ...	57	8	5	·2	1	5·	...
		Moung Shwe Byah, ditto, 3rd class, 3rd grade ...							
		Moung Shwe Myat, ditto, 3rd class, 2nd grade ...	50	1	...	1	..	2·	...
		Moung Shwe Att, ditto, 3rd class, 3rd grade ...							
		Moung Shwe Zin, ditto, 3rd class, 1st grade ...							
		Moung Yoh, ditto, 3rd class, 3rd grade ...	113	6	2	...	4	3·	...
		Moung Gyee, ditto, 3rd class, 3rd grade ...							
	Bassein.	Moung Kya, ditto, 3rd class, 3rd grade ...	64	7	2	...	4	6·25	...
		Moung Loo Gyee, ditto, 3rd class, 2nd grade ...	73	11	7	...	4	5·47	..
		Moung Koo, ditto, 3rd class, 2nd grade	105	7	1	...	6	5·71	...

Division.	Name of District.	Name and designation of Judge from whose decision appeal was preferred.	Number of appealable decrees passed by him.	Number of appeals preferred.	Number of decrees confirmed.	Number modified.	Number reversed.	Proportion of reversals and modifications to appealable decrees.	Number of cases examined by Deputy Commissioner.
Pegu—(continued.)	Bassein.	Moung Yoh, Extra Assistant Commissioner, 3rd class, 2nd grade ...	133	12	5	...	6	4·51	...
		Moung An, ditto, 3rd class, 3rd grade ...	145	6	3	...	3	2·06	...
		Moung Shwe Myat, ditto, 3rd class, 2nd grade ...	60	9	6	...	3	6·	...
		Moung Byah, ditto, 3rd class, 3rd grade ...	134	16	5	1	9	7·46	...
		Moung Shwe Tsee, ditto, 3rd class, 3rd grade ...	170	10	6	...	3	1·76	...
		Lieutenant C. A. Cresswell, Assistant Commissioner	47	6	4	...	2	4·25	...
		Moung Shwe Byat, Extra Assistant Commissioner, 1st class, 1st grade,	497	46	23	4	15	3·82	...
		Mr. G. H. Weidemann, Assistant Commissioner	39	7	4	...	2	5·12	...
		Mr. H. L. St. Barbe, Assistant Commissioner	2	...	...	...	...	...	...
	Henzada.	Moung Hpo Han, Extra Assistant Commissioner, 3rd class, 2nd grade ...	125	4	2	1	...	·82	...
		Moung Bah Gyaw, ditto, 3rd class, 3rd grade ... / Moung Htoon Oung, ditto, 3rd class, 3rd grade ...	150	19	15	...	4	2·6	...
		Moung Goon, ditto, 3rd class, 3rd grade ...	101	10	5	1	4	4·87	...
		Moung Min Gyaw, ditto, 3rd class, 1st grade ...	175	12	11	1	...	·58	...
		Moung Shwe Att, ditto, 3rd class, 1st grade ...	315	8	6	1	1	·63	...
		Moung Hpan, ditto, 3rd class, 1st grade ...	176	9	6	2	1	·176	...
		Moung Hpo Kaw, ditto, 3rd class, 1st grade ...	94	14	12	...	1	1·06	...
		Moung Myeit, ditto, 2nd class, 2nd grade ...	125	7	6	1	...	·81	...
		Moung Shwe Yeen, ditto, 1st class, 2nd grade ...	493	50	37	4	6	2·02	...
		Captain M. C. Poole, Assistant Commissioner	97	5	4	1	...	1·03	...
		Mr. A. O. Brown, Assistant Commissioner	11	1	1	...	...	...	...
		Major C. O'L. L. Prondergast, Assistant Commissioner ...	6	1	...	...	...	...	...
		Mr. A. R. Birks, Assistant Commissioner	13	1	1	...	...	...	...
	Prome.	Moung Hmai, Extra Assistant Commissioner ... / Moung Hpoung, Extra Assistant Commissioner ... / Moung Gyee, ditto, 3rd class, 3rd grade ...	130	9	6	..	1	0·76	...
		Moung Han, ditto, 3rd class, 3rd grade ... / Moung Galay, ditto, 2nd class, 2nd grade ...	102	37	23	2	11	12·7	...
		Moung Hpoo, ditto, 3rd class, 1st grade ...	132	31	12	1	7	6·06	...
		Moung Oh, ditto, 3rd class, 3rd grade ...	73	4	2	1	1	2·73	...

Division.	Name of District.	Name and designation of Judge from whose decision appeal was preferred.	Number of appealable decrees passed by him.	Number of appeals preferred.	Number of decrees confirmed.	Number modified.	Number reversed.	Proportion of reversals and modifications to appealable decrees.	Number of cases examined by Deputy Commissioner.
Pegu—(concluded).	Prome.	Moung Tsaw Nan, Extra Assistant Commissioner, 2nd class, 2nd grade	116	19	7	2	8	8·6	...
		Moung Kyaw Zan Hla, ditto, 1st class, 2nd grade	173	45	30	2	12	8·9	...
		Mr. E. Richardson, Senior Extra Assistant Commissioner ...	13	7	5	1	...	7·6	...
		Mr. W. C. Midwinter, Assistant Commissioner	...	.	...	.	.	...	...
	Thayetmyo.	Moung Tet Hpo, Extra Assistant Commissioner, 3rd class, 1st grade ...	288	24	21	1	1	0·69	30
		Moung Louk, ditto, 3rd class, 2nd grade	187	8	6	1	1	1·19	16
		Moung Tetto, ditto, 3rd class, 1st grade	225	16	11	2	2	1·77	14
		Moung Tsouk, ditto, 2nd class, 1st grade ...	134	29	16	2	8	7·46	20
		Mr. R. A. D. Perreau, Assistant Commissioner	268	10	5	2	2	1·49	21
		Mr. G. D. Burgess, Assistant Commissioner	113	3	3	...	...	...	11
Tenasserim.	Amherst.	Moung Oh, Extra Assistant Commissioner, 2nd class, 1st grade ...	4	...	..	.	...	...	...
		Moung Shwe Ngong ditto, 3rd class, 1st grade	13	1	1	.	...	.	...
		Moung Chaik, ditto, 3rd class, 1st grade	21	3	2	...	1	4·7	...
		Moung Tsoung, ditto, 3rd class, 2nd grade	75	9	6	...	3	4·	...
		Moung Oang, ditto, 3rd class, 3rd grade	95	5	3	.	2	2·1	...
		Moung Myat Meng, ditto, 3rd class, 3rd grade	146	17	9	2	6	5·5	...
		Moung Wet Galay, ditto, 3rd class, 1st grade	63	19	10	4	5	14·3	...
		Moung Htoon Gyaw, ditto, 3rd class, 2nd grade ...	72	10	8	...	2	2·8	...
		Moung Hpai Hlaw, ditto, 3rd class, 2nd grade	51	2	1	1	..	1·9	...
		Moung Oh, ditto, 3rd class, 2nd grade	22	1	...	...	1	4·5	...
		Moung Shwe Gyoke, ditto, 3rd class, 3rd grade	21	2	2	...	...	...	...
		Mr. K. G. Byrne, Assistant Commissioner	11	4	4	..	...	...	...
		Mr. J. C. Davis, Assistant Commissioner	3	2	1	1	...	33·7	...
		Lieutenant W. F. H. Grey, Assistant Commissioner	1	...	...	...	...	...	...
	Shwe-gyeen.	Moung Shwe Go, Extra Assistant Commissioner, 3rd class, 3rd grade ...	123	5	4	..	1	0·61	...
		Moung Taw, ditto, 3rd class, 1st grade	98	1	1	...	..	...	...
		Moung Tha Nyo, ditto, 3rd class, 2nd grade ..	145	9	5	1	...	0·68	...
		Moung Hmat, ditto, 3rd class, 1st grade ...	230	17	8	1	7	3·40	...
		Moung Hpo, ditto, 3rd class, 1st grade ...	306	36	21	5	9	4·57	...

Division.	Name of District.	Name and designation of Judge from whose decision appeal was preferred.	Number of appealable decrees passed by him.	Number of appeals preferred.	Number of decrees confirmed.	Number modified.	Number reversed.	Proportion of reversals and modifications to appealable decrees.	Number of cases examined by Deputy Commissioner.
Tenasserim—(concluded).	Shwe-gyeen—(concluded).	Mr. G. E. Barr, Extra Assistant Commissioner 2nd class, 1st grade	56	14	10	2	1	5·40	...
		Lieutenant T. M. Jenkins, Assistant Commissioner	131	13	9	2	...	1·52	..
	Toungoo.	Moung Tsan Wah, Extra Assistant Commissioner, 3rd class, 3rd grade	55	16	8	3	5	14·5	...
		Moung Shwe Att, ditto, 3rd class, 2nd grade	72	3	1	1	1	2·7	...
		Moung Shwe Myat, ditto, 3rd class, 2nd grade	33	5	2	1	1	6·	...
		Moung Gwen, ditto, 3rd class, 1st grade	66	7	2	1	4	7·5	...
		Moung Dway, ditto, 3rd class, 2nd grade	17	1	...	...	1	5·8	...
		Moung Htine, ditto, 2nd class, 1st grade	233	49	25	2	7	3·8	...
		Baron J. Bentinck, Assistant Commissioner	78	9	3	4	2	7·7	...
	Tavoy.	Moung Shwe Hlain, Extra Assistant Commissioner, 2nd class, 1st grade,	101	26	13	3	10	12·8	..
		Moung Phaw, ditto, 3rd class, 2nd grade . ..	58	31	18	2	11	22·4	...
		Moung Phet, ditto, 3rd class, 3rd grade	72	30	16	3	10	18·	...
		Moung Shwe Boo, ditto, 3rd class, 3rd grade	143	33	13	2	14	11·	...
	Mergui.	Moung Shwe Att, ditto, 2nd class, 1st grade	139	39	25	2	12	10·	...
		Moung Htoon Oung, ditto, 3rd class, 2nd grade	11	...	...	..	...	...	.
		Moung Myat Htoo, ditto, 3rd class, 2nd grade	49	9	5	..	4	8·	..
		Moung Tha Noh, ditto, 3rd class, 2nd grade	3	...	...	...	...	...	...
		Moung Shwe Baw, ditto, 3rd class, 3rd grade .	1	...	...	...	..	...	..
		Mr. A. L. Hough, ditto, 1st class, 1st grade	2	...	...	..	...	...	...
		Total ...	10,871	1,217*	689†	93	342	4·	...

* One appeal, pending from 1874 in Kyouk-hpyoo District, is not shown.
† Twenty-five appeals dismissed for default are included here.

56. The total number of appealable decisions passed by the District Courts was 10,871, of which 1,217, or 11 per cent., were appealed.

57. The proportion of reversals and modifications to appealable decrees was four per cent.

Mr. Burgess's decisions three per cent. appealed, none reversed.

58. Mr. Burgess again shows well in this return, less than three per cent. of his decisions being appealed, and none reversed or modified.

Result of appeals not favourable to certain Officers.

59. The result of appeals was not favourable to the following officers :—

District.	Name of Officer.	Name of township.
Akyab District	Moung Htoon Oo	Naaf township.
Kyouk-hpyoo ditto... ...	„ Shwe Dike Kay	Kyouk-hpyoo.
Sandoway ditto... ...	„ Pha Phroo...	Sandoway.
Thonkwa ditto... ...	„ Shwe Thee	Yandoon.
Prome ditto... ...	„ Gyee	Padoung township.
	„ Han	
	„ Galay	
Amherst ditto... ...	„ Wet Galay...	Gyne-Salween.
Tavoy ditto... ...	„ Shwe Hlaing	
	„ Phet	
	„ Phaw	

Proportion of successful appeals.

60. The proportion of successful appeals was 28 per cent.

Work of the Appellate Courts

61. The subjoined table shows the work of the Appellate Courts :—

Division.	Class of Appellate Courts, and names of presiding Judges	Number of appeals on the files, including those from last year and received by transfer	Number transferred or dismissed for default.	Number decided		Number remanded for re-decision by Lower Court	Number left pending		Average duration of appeal.
				In favour of respondent.	In favour of appellant.		For more than four months.	Total pending.	
Arakan	*Deputy Commissioners*								
	Colonel H N Davies, Akyab	71		36	20	15	..	1	13·
	Captain C H A Gower, Kyouk hpyoo	19	1	5	13				
	Major W W Pemberton, ditto	47		25	17	3		2	15·
	Major G E Fryer, Sandoway	12		8	4				8·
	Mr C J A Duke, ditto	1		1	..				5
	Captain C H A Gower, ditto	8		4	4				9
	Captain H R Spearman, ditto	4			3	1			8·
	Commissioner								
	Colonel E M Ryan, Arakan Division								
Pegu	*Deputy Commissioners*								
	Major C W Street, Rangoon	60	14	30	18	5			24·
	Mr W deCourcy Ireland, ditto								
	„ S F A Smith Thonkwa	41		27	14				
	„ R F St A St John, Bassein	137	3	66	62	4		2	21
	„ W deCourcy Ireland, Henzada	141	3	103	20	6			22
	Lieut Colonel A G Duff, ditto								
	Mr W C Midwinter, Prome	152	2	85	40	14		2	17·
	Lieut-Colonel A R McMahon ditto								
	Major W C Plant, Thayetmyo	90	15	47	22	5		1	18
	Deputy Commissioners								
Tenasserim	Lieut-Colonel E B Sladen, Amherst	75	7	40	23	5			{ Not given
	Mr C I F S Forbes Shwe-gyeen,	95		58	29	3		4	do
	Major M B Lloyd, Toungoo	90	8	41	35	6			do
	Colonel F J Spilsbury, Tavoy	120		46	69	6		5	do
	Lieut Colonel W Munro, Morgui.	48		30	18				do.
	Commissioner								
	Colonel D Brown, Tenasserim Division	5		2	3				92
	Total	1,225	53	653	426	73		19	

Total number of appeals to Deputy Commissioners

62. The total number of appeals to Deputy Commissioners was 1,220, or not quite five per cent. of the cases disposed of : Prome, Henzada, Bassein, and Tavoy had the heaviest appellate files. The number of appeals in Tavoy reached 24 per cent. of the cases disposed of, and

One compromised out of Court

bore a still higher proportion to the appealable decrees. Colonel Spilsbury makes the following remarks on the subject, which give no satisfactory explanation of the inferiority of the work of the Tavoy Civil Judges to that of their brother Officers throughout the province :—

The proportion of cases appealed to appealable cases differs considerably in the different Courts :—

In Shwe Hlaing's Court it was	...	...		26	per cent.
In Moung Phaw's Court, three miles off head-quarters by land, it was	...	...	...	51	ditto.
In Moung Phet's	ditto eighteen ditto		ditto ...	40	ditto.
In Moung Shwe Boo's	ditto seven ditto		ditto ...	24	ditto.

The proportion is certainly very high and the results of the appeals shows that there was frequently good cause for appealing—one-half of the cases appealed being either modified or reversed.

All the Judicial Officers fail greatly in finding out the real issues, they do not seem to understand the art of examining the parties, and finding out what are really the disputed points ; their time is, therefore, often wasted in hearing immaterial evidence, whilst from their blindness to the issue at point they have omitted to show the parties in the suit what evidence was really wanted, but I am satisfied that all the four Subordinate Judges hear and decide the suits with the best attention, and that it is a better judicial training they require : practice and experience will, it is to be hoped, supply this want.

Appeals preferred from the decrees of Deputy Commissioners in original suits.

63. The next table shows the appeals preferred from the decrees of the Deputy Commissioners in original suits :—

Division.	Name of Deputy Commissioner from whose decision appeal was made.	Number of decrees passed by Deputy Commissioner in original cases.	Number decrees confirmed by Commissioner on appeal.	Number modified.	Number reversed.	Proportion of reversals and modifications to appealable decrees.
	Deputy Commissioner.					
Arakan.	Colonel H. N. Davies, Akyab	4	...	...	...	...
	Deputy Commissioners.					
Tenasserim.	Major M. Lloyd, Toungoo	4	1	1	...	...
	Colonel E. J. Spilsbury, Tavoy	2	...	1	1	...
	Lieut.-Colonel W. Munro, Mergui	17	1	...	...	...
	Total ...	27	2	2	1	...

Civil appellate work of Commissioners inconsiderable ; of Commissioner of Pegu, vested in the Judicial Commissioner.

64. Deputy Commissioners seldom try orginal civil suits, and consequently the civil appellate work of Commissioners is inconsiderable. That of the Commissioner of Pegu is vested in the Judicial Commissioner under the Burma Courts Act.

Financial results.

65. The next table shows the financial result of the rules framed under Section 20 of the Court Fees Act, regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts :—

Division.	Name of District.	Receipts.															
		Fees realized on account of															
		Summons on witnesses.		Summons on defendant.		Notice, proclamation, or other order not elsewhere specified.		Warrant for arrest of persons or attachment of property.		Custody of property attached.		Total.	
		Number of processes.	Amount of fees.	Number of processes.	Amount of fees.	Number of processes.	Amount of fees.	Number of processes.	Amount of fees.	Number of processes.	Amount of fees.	Number of processes.	Amount of fees.
			Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.
Arakan	Akyab	3,758	1,899 0 0	3,406	3,461 0 0	414	423 0 0	1,180	2,365 0 0	31	31 0 0	8,789	8,179 0 0
	Kyouk-hpyoo	2,050	1,031 0 0	1,147	1,222 0 0	151	152 0 0	233	468 0 0	42	60 0 0	3,623	2,933 0 0
	Sandoway	727	363 8 0	522	522 0 0	90	111 0 0	88	176 0 0	1	1 0 0	1,428	1,173 8 0
Pegu	Rangoon	2,220	1,110 0 0	2,726	2,805 0 0	445	448 0 0	582	1,064 0 0	58	116 0 0	6,031	5,543 0 0
	Thonkwa	1,781	898 8 0	2,068	2,089 0 0	317	347 0 0	312	628 0 0	103	232 0 0	4,581	4,194 8 0
	Bassein	5,001	2,500 8 0	5,085	5,259 0 0	990	1,132 0 0	957	1,915 0 0	140	140 0 0	12,173	10,946 8 0
	Henzada	6,233	3,133 8 0	5,028	5,030 0 0	451	572 0 0	535	1,070 0 0	38	609 12 0	12,385	10,415 4 0
	Prome	3,333	1,667 8 0	2,539	2,539 0 0	1,248	1,461 8 0	582	1,158 0 0	28	166 6 0	7,730	6,992 6 0
	Thayetmyo	1,908	953 0 0	1,846	1,954 0 0	255	235 8 0	429	861 0 0	26	56 0 0	4,444	4,059 8 0
Tenasserim.	Amherst	2,062	1,060 0 0	1,468	1,468 0 0	497	728 0 0	385	870 0 0	45	323 8 0	4,457	4,449 8 0
	Shwe-gyeen	1,771	885 8 0	1,283	1,283 0 0	99	112 0 0	303	606 0 0	22	11 0 0	3,478	2,897 8 0
	Toungoo	1,663	885 8 0	1,797	1,801 0 0	383	562 0 0	561	1,125 0 0	130	993 0 0	4,534	5,386 8 0
	Tavoy.	1,495	756 0 0	857	1,015 0 0	86	119 0 0	140	284 0 0	15	7 8 0	2,593	2,181 8 0
	Mergui	1,078	565 0 0	784	787 0 0	150	207 0 0	144	290 0 0	5	45 0 0	2,161	1,894 0 0
	Salween												
	Town of Moulmein	3,961	2,298 8 0	3,068	3,416 0 0	869	1,068 0 0	822	1,721 0 0	65	487 8 0	8,785	8,991 0 0
	Total	39,041	20,007 0 0	33,624	34,651 0 0	6,425	7,698 0 0	7,253	14,601 0 0	749	3,279 10 0	87,092	80,236 10 0

DIVISION.	NAME OF DISTRICT.	CHARGES. On account of Bailiff.	Fixed establishment of peons.	Additional peons.	Boat or conveyance hire.	Stationery.	Badges of peons.	Other contingency.	Total.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
ARAKAN.	Akyab	1,200 0 0	4,248 0 0	64 3 6	758 8 6	... ...	... ...	33 13 0	6,304 9 0
	Kyouk-hpyoo	600 0 0	1,764 0 0	84 9 0	415 7 0	2 9 0	... ...	6 0 0	2,873 9 0
	Sandoway	430 0 0	342 0 0	30 4 0	... ...	... ...	... ...	... ...	792 4 0
PEGU.	Rangoon	900 0 0	2,771 0 0	121 14 0	46 8 0	16 0 0	... ...	134 0 0	3,792 14 0
	Thonkwa	822 13 9	2,766 9 6	19 9 0	63 11 0	... ...	... ...	4 0 0	3,807 9 3
	Bassein	900 0 0	3,351 8 0	1,259 2 0	65 14 0	... ...	... ...	172 12 0	5,557 5 0
	Henzada	1,200 0 0	4,920 10 8	887 6 0	231 2 0	3 10 0	1 0 0	... ...	7,301 4 8
	Prome	900 0 0	3,789 4 7	231 2 0	17 5 0	... ...	... ...	29 8 0	4,367 11 7
	Thayetmyo	900 0 0	2,064 0 0	104 8 0	14 8 0	2 0 0	... ...	... ...	3,112 10 0
TENASSERIM.	Amherst	1,200 0 0	2,484 0 0	149 0 0	154 0 2	4 0 0	... ...	... ...	3,989 4 0
	Shwe-gyeen	900 0 0	1,418 0 0	71 4 0	24 12 0	... ...	... ...	3 0 0	2,417 0 0
	Toungoo	900 0 0	2,004 0 0	... ...	... ...	... ...	... ...	7 8 0	2,911 8 0
	Tavoy	600 0 0	1,306 0 0	25 5 0	... ...	... ...	... ...	... ...	1,933 5 0
	Mergui	600 0 0	1,429 0 0	11 0 0	361 14 0	... ...	... ...	... ...	2,421 14 0
	Salween	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...
	Town of Moulmein	1,200 0 0	1,176 0 0	424 0 0	167 0 0	... ...	12 0 0	409 2 0	3,388 2 0
TOTAL	...	13,242 13 9	35,816 0 9	3,432 12 6	2,110 7 6	24 9 0	13 0 0	799 11 0	55,439 6 6

66. Mergui, it will be observed, alone shows a deficit caused by the expense involved in journeys by boat, which are the sole means of travelling in that district during the monsoon.

Deficit in Mergui.

67. There is a surplus of Rs. 24,797-3-6 for the whole province, which has enabled me to sanction the appointment of Deputy Bailiffs in some of the larger districts.

Surplus for the whole province.

68. The following table shows the number of regular appeals decided in the Court of the Judicial Commissioner:—

Regular appeals decided in Judicial Commissioner's Court.

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Appeals presented. Rejected.	Appeals presented. Admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Remanded.	Total disposed of.	Pending.
	Deputy Commissioners.								
Arakan:	Colonel H. N. Davies, Akyab	1	8	2	...	5	...	7	1
	„ C. P. Hildebrand, Kyouk-hpyoo ..	...	1	...	..	1	...	1	...
	Captain C. H. A. Gower, ditto ...	...	3	1	...	2	...	3	...
	Major W. W. Pemberton, ditto ...	...	1	...	...	...	...	...	1
	Commissioner.								
	Colonel E. M. Ryan, Arakan Division ...	...	1	1	...	...	...	1	...
Pegu:	*Deputy Commissioners.*								
	Major C. W. Street, Rangoon	1	9	2	...	7	...	9	...
	Mr. S. F. A. Smith, ditto	...	1	1	...	...	...	1	...
	„ W. deCourcy Ireland, ditto	...	5	1	...	3	.	4	4
	„ S. F. A. Smith, Thonkwa	...	4	2	...	1	1	4	...
	„ R. F. St. A. St. John, Bassein ...	1	16	5	1	7	1	14	2
	„ W. deCourcy Ireland, Henzada ...	1	6	4	...	2	...	6	...
	Lieut.-Colonel A. G. Duff, ditto ...	2	...	...	...	...	...	...	...
	Mr. S. F. A. Smith, Prome	...	2	2	...	...	...	2	...
	Lieut.-Colonel A. R. McMahon, Prome ...	...	15	13	...	...	...	13	2
	Major W. C. Plant, Thayetmyo.	1	5	...	...	2	...	2	3
Tenasserim:	*Deputy Commissioners.*								
	Lieut.-Colonel E. B. Sladen, Amherst ...	1	8	2	...	5	...	7	1
	Mr. C. J. F. S. Forbes, Shwe-gyeen ..	1	2	1	1	...	...	2	...
	Major M. B. Lloyd, Toungoo	...	6	1	...	2	...	3	3
	Colonel E. J. Spilsbury, Tavoy.	...	4	1	...	3	...	4	...
	Lieut.-Colonel W. Munro, Mergui ...	..	2	2	...	...	...	2	...
	Commissioner.								
	Colonel D. Brown, Tenasserim Division...	1	2	...	1	...	...	1	1
	Total . .	10	*101	41	3	40	2	86	15
	Assistant Commissioner.								
	Major Prendergast, Henzada ...	...	1	...	...	1	...	1	...
	Deputy Commissioner.								
	Mr. S. F. A. Smith, Thonkwa	...	1	...	...	1	...	1	...
	GRAND TOTAL ...	10	108	41	3	42	2	88	15

* Of these fifteen were pending from 1874.

Detailed result of appeals.

69. Of 111 appeals instituted or pending, 10 were rejected, 86 were disposed of, and 15 pending at the close of the year.

70. In 40, or over 48 per cent., of the cases disposed of, the decisions were confirmed.

High per-centage of reversals to be expected in appeals to Judicial Commissioner's Court.

71. I concur with Mr. Sandford, for the reasons given in last year's report, that a high per-centage of reversals must be expected in appeals to the Court of the Judicial Commissioner.

72. Under the powers vested in the Judicial Commissioner by Section 8 of the Burma Courts Act, 1872, one appeal was removed from the file of the Deputy Commissioner, Henzada, and tried in his Court.

73. There was one appeal preferred from the decision of the Deputy Commissioner, Thonkwa, to the Court of the Judicial Commissioner exercising the appellate jurisdiction of the Commissioner of Pegu, which has, under Section 23 of the Burma Courts Act, 1875, been transferred to the Judicial Commissioner.

Miscellaneous appeals.

74. The next table shows the miscellaneous appeals, *i. e.*, appeals from decisions other than those passed in regular suits, disposed of in the Court of the Judicial Commissioner.

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Decision reversed.	Decision modified.	Decision confirmed.	Remanded.	Total disposed of.	Pending.
Pegu ...	Major C. W. Street, Rangoon	1	..	...		1	...
	Mr. W. deCourcy Ireland, ditto	..	...	...		...	1
	Lieut.-Colonel A. R. McMahon, Prome ..	1	.			1	
Tenasserim ...	Lieut.-Colonel E. B. Sladen, Amherst ...	..	..	.	1	1	...
	Total	2			1	3	1

References to Judicial Commissioner's Court.

75. The number and result of references to the Court of the Judicial Commissioner is shown in the annexed table :—

Division.	Under Section 31, Act VII., 1872, and Section 25, Act XVII., 1875.	Under Section 35, Act VII., 1872, and Section 29, Act XVII., 1875.	Under Section 9, Act I., 1873, and Section 34, Act XVII., 1875.	Total references.	Court making the reference.	Rulings adverse to the opinion of referring Court.	Rulings in concurrence with opinion of referring Court.	Total disposed of.	Pending.	Remarks.
Arakan:	.	1	2	3	Deputy Commissioner, Akyab ..	..	3	3	...	
	1	..	1	2	Ditto ditto Kyouk-hpyoo,	2	.	2	...	
			1	1	Commissioner of Arakan ..	1	...	1	..	
Pegu:	1	1	1	3	Deputy Commissioner, Rangoon ...	2	1	3	...	
	1	1	2	4	Ditto ditto Thonkwa ...	3	1	4	...	
	...	3	..	3	Ditto ditto Bassein ...	1	2	3	...	
	...	1	1	2	Ditto ditto Henzada ...	2	...	2	...	
	...	2	.	2	Ditto ditto Prome ...	1	1	2	...	
	...	...	1	1	Ditto ditto Thayetmyo,	...	...	...	1	
Tenasserim:	..	2	1	3	Ditto ditto Amherst ...	...	3	3	...	
	2	2	...	4	Ditto ditto Shwe-gyeen,	...	2	2	1*	
	..	1	..	1	Ditto ditto Toungoo ...	...	1	1	...	
	1	..	...	1	Ditto ditto Mergui ...	..	1	1	...	
	...	...	1	1	Commissioner of Tenasserim ...	...	1	1	...	
	.	...	.	1	Judge of the Town of Moulmein ...	...	1	1	...†	
Total	6	14	11	32		12	17	29	2‡	

* One referred to Special Court.
† Section 22, Act II. of 1865.
‡ One referred to Special Court.

References.

Details regarding references.

76. Six cases were referred to the Court of the Judicial Commissioner in which the Lower Appellate Courts during the trial of an appeal thought it desirable to obtain an opinion from this Court on a point of law.

77. In fourteen cases, where the Appellate Court had confirmed the decision of the Court of first instance on points of law, or custom having the force of law, or the construction of a document or the admissibility of evidence affecting the merits of the case, statements were submitted to this Court on the application of the parties, and in eleven cases the records were called for and cases heard by this Court when the Lower Appellate Courts had refused to submit a statement.

78. In the cases of this nature shown against the Commissioner of Tenasserim, Deputy Commissioners of Thonkwa and Thayetmyo, the refusals of the Lower Courts were due to a misapprehension as to the rule of limitation for such applications, which is not very clearly

expressed. In the other cases the Appellate Courts were erroneously of opinion that no point of law was involved.

79. The case referred to in paragraph 70 of last year's report, was referred to the Special Court, who ruled that a Burmese woman simulating conversion to Islam and married to a Mahomedan under Mahomedan ceremonies cannot claim a divorce under Burmese law.

Districts inspected by the Judicial Commissioner.

80. During the year the Courts at the head-quarters of the following districts were inspected by me, and the registers of many of the Extra Assistant Commissioners from the interior, who were brought in to meet me, were examined at the same time :—

Rangoon.	Prome.	Thonkwa.	Tavoy.
Henzada.	Thayetmyo.	Amherst.	Mergui.

Action taken after inspection.

81. Mistakes and shortcomings detected were pointed out in letters to the Commissioners, and a printed circular on the same subject prepared, at the close of my inspection, of eleven districts is now about to issue.

Duties of Record-keepers.

82. The rules issued last year on the duties of Record-keepers have been supplemented by further instructions for keeping registers of the contents of the record-rooms, and registering and classifying English correspondence.

State of record-rooms.

83. The state of many of the record-rooms is discreditable, and in the two principal districts of the province—Rangoon and Amherst—there are no distinct record-rooms ; elsewhere, old and useless records are being cleared away under existing rules, and greater method and a better system being gradually introduced.

Scheme for the re-organization of Judicial ministerial establishments.

84. The scheme for the re-organization of Judicial ministerial establishments is before the Chief Commissioner.

Registers prescribed for amounts of moneys paid into the Courts.

85. Attention has been called to the necessity for keeping up regularly the registers prescribed for amounts of moneys paid into the Courts, and iron-safes, now being received from England, are being distributed for the use of Courts in the interior, who are too far away to remit money to head-quarters at short intervals.

Publications during the year.

86. Authorized translations of the Penal Code and Whipping Act in Burmese have been published during the year under report. The publication of the Evidence Act has been delayed by the absence on furlough of Colonel H. Browne.

Compilations from palm-leaf manuscripts.

87. The treatise of Burmese Law, known as the Menu Woondana Damathat and Menu Ying Damathat have been collated and compiled from the palm-leaf manuscripts, and prepared for the press by Moung Tetto, Extra Assistant Commissioner of Thayetmyo, and are now being printed.

88. The result of the offer of a prize of Rs. 1,000 for the best essay on the sources and history of Buddhist law, as it prevails in this province, does not fall within the year's report.

Prize for the best essay on the sources and history of Buddhist law.

89. Owing to the publication of the general Acts of the Government of India by the Legislative Department, it was found unnecessary to publish in a collected form all the Acts in force throughout the province, and the printing of the British Burma Code, which is apparently contemplated by the Government of India, will supply all that is wanted.

Publication in a collected form of all the Acts in force in the province.

J. W. QUINTON,

Offg. Judicial Commissioner, British Burma.

(B.)—CRIMINAL.

From the Officiating Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 435-35, dated the 15th May 1876.

I HAVE the honour to forward the Annual Report on the Administration of Criminal Justice in this Province (exclusive of the Town Rangoon) for the past year. The statements for the Salween Tracts have not been received up to date, and therefore they are excluded from the report.

	Reports. 1876.	*Returns.* 1876.
Akyab	... 26th February.	26th February.
Kyouk-hpyoo	... 14th ditto.	14th ditto.
Sandoway	... 14th ditto.	14th ditto.
Northern Arakan	... 14th ditto.	14th ditto.
Arakan (Divisional)	... 10th March.	10th March.
Rangoon...	... 13th ditto.	13th ditto.
Thonkwa	... 7th February.	29th February.
Bassein ...	... 8th ditto.	11th ditto.
Henzada ...	... 7th ditto.	7th ditto.
Promo ...	... 1st ditto.	1st ditto.
Thayetmyo	... 2nd ditto.	24th March.
Pegu (Divisional)	... 20th March.	8th April.
Amherst ...	... 26th February.	17th March.
Shwe-gyeen	... 5th ditto.	5th February.
Toungoo ...	... 11th March.	11th March.
Tavoy ...	... 12th February.	12th February.
Mergui ...	... 12th ditto.	12th ditto.
Moulmein	... 12th ditto.	18th ditto.
Tenasserim (Divisional)	20th April.	27th April.

The district and divisional reports and returns were received on the dates marginally noted, from which the Chief Commissioner will observe it was impossible for this Court to tabulate the returns and submit the report by the prescribed date, *viz.*, 31st March.

2. The subjoined tables, A., B., and C., show the number and nature of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial convicted, and acquitted, as compared with similar results for the preceding year.

Division	Name of District.		Number of offences reported.			Number of persons brought to trial.			Number acquitted.			Number convicted.			Proportions of convictions to number of persons brought to trial.		
			Not bailable.	Bailable.	Total.	Not bailable.	Bailable.	Total.	Not bailable.	Bailable.	Total.	Not bailable.	Bailable.	Total.	Not bailable.	Bailable.	Total.
Arakan.	Akyab	In 1874	396	1,330	1,726	525	2,154	2,679	180	686	866	358	1,456	1,814	68·1	67·5	67·7
		In 1875	355	1,377	1,732	404	2,192	2,596	145	727	872	255	1,461	1,716	63·1	67·	66·1
		Increase	...	47	6	...	38	...	...	41	6	...	5	...	...	...	
		Decrease	41	.	...	121	...	83	35	...	...	103	.	98	5·	·5	1·6
	Kyouk-hpyoo	In 1874	344	408	752	276	744	1,020	78	307	385	196	434	630	71·	58·	61·
		In 1875	466	537	1,003	310	853	1,163	84	377	461	224	474	698	72·	55·	59·
		Increase	122	129	251	34	109	143	6	70	76	28	40	68	1·	...	
		Decrease	...	...	...	...	...	...	...	...	...	...	..	...	...	3·	2·
	Sándoway*	In 1874	59	166	225	78	271	349	26	49	75	52	220	272	66·	81·	78·
		In 1875	85	122	207	111	187	298	36	63	99	73	122	195	65·	65·	65·
		Increase	26	...	...	33	...	...	10	14	24	21	...	...	...	...	
		Decrease	...	44	18	..	84	51	...	..	...	...	98	77	1·	16·	13·
	Northern Arakan	In 1874	5	40	45	9	64	73	6	11	17	3	50	53	53·	81·	75·
		In 1875	3	24	27	6	70	76	2	23	25	4	47	51	66·	67·	67·
		Increase	...	...	...	..	6	3	..	12	8	1	...	..	13·	...	...
		Decrease	2	16	18	3	...	...	4	.	...	...	3	2	...	14·	8·
	Rangoon	In 1874	1,557	1,529	3,086	1,263	3,071	4,334	619	1,081	1,700	630	1,939	2,569	49·	63·	59·
		In 1875	1,340	1,172	2,512	1,049	1,855	2,904	390	641	1,031	548	1,159	1,707	52·	62·	58·
		Increase	..	...	...	..	...	...	...	...	...	...	...	...	3·	...	...
		Decrease	217	357	574	214	1,216	1,430	229	440	669	82	780	562	...	1·	1·

Pegu	Thonkwa	In 1874	503	887	1,390	612	1,577	2,189	189	597	786	368	1,000	1,368	60*	63	62
		In 1875															
		Increase					--					--					
		Decrease															
	Bassein	In 1874	1,167	1,792	2,959	1,220	3,628	4,848	273	1,268	1,541	825	2,259	3,084	67	62	61
		In 1875	829	1,499	2,328	1,040	3,392	4,432	279	782	1,061	658	2,562	3,220	63	75	72
		Increase	338	293	631	180	236	416	6	486	480	167	303	136	4	3	11
		Decrease											--				
	Henzada	In 1874	2,090	1,741	3,831	1,490	3,964	5,454	388	1,435	1,823	1,075	2,507	3,582	72	63	65
		In 1875	1,999	1,424	3,423	1,469	2,758	4,227	392	920	1,312	1,073	1,812	2,885	73	65	68
		Increase	91	317	408	21	1,206	1,227	4	515	511	2	695	697	1	2	3
		Decrease															
	Prome	In 1874	1,339	1,501	2,840	1,314	2,572	3,886	395	965	1,360	902	1,606	2,508	68	64	64
		In 1875	877	1,364	2,241	862	2,434	3,296	162	881	1,043	699	1,531	2,230	81	63*	67
		Increase	462	137	599	452	138	590	233	84	317	203	75	278	13*	1	3
		Decrease															
	Thayetmyo	In 1874	546	1,004	1,550	707	1,984	2,691	218	610	828	475	1,301	1,836	67	67	67
		In 1875	485	981	1,466	657	1 828	2,485	233	570	803	417	1,247	1,664	63*	68*	67
		Increase	61	23	84	50	156	206	15	40	25	58	114	172	4	1*	
		Decrease															

* For revised statement, *vide* appendices to Part II, page 1

Division	Name of District		Number of offences reported.			Number of persons brought to trial.			Number acquitted.			Number convicted.			Proportions of convictions to number of persons brought to trial.		
			Not bailable	Bailable.	Total	Not bailable.	Bailable.	Total.	Not bailable.	Bailable.	Total.	Not bailable.	Bailable.	Total.	Not bailable.	Bailable.	Total.
Sereym	Amherst	In 1874	307	923	1,230	465	2,357	2,822	201	1,118	1,319	265	1,197	1,462	55·	50·	51·
		In 1875	529	717	1,246	414	1,462	1,876	162	620	782	243	820	1,063	58·	56	56·
		Increase	222		16	51		946	39		537	22		399	3·	6·	5·
		Decrease	·	206	·		895		·	498			377		...		
	Shwe-gyeen	In 1874	538	600	1,138	245	1,162	1,407	93	433	526	148	724	872	60·	61·	61·
		In 1875	624	611	1,235	385	1,226	1,611	152	442	594	231	779	1,010	60·	63·	63·
		Increase	66	11	97	140	64	204	59	9	68	83	55	138	..	2·	2
		Decrease												·	·		
	Toungoo	In 1874	154	609	763	157	930	1,087	18	432	450	143	477	620	87·	52·	57·
		In 1875	189	533	722	149	840	988	26	377	403	118	427	545	80·	50·	55·
		Increase	35		41	9	90	99	8	55	47	25	50	75	7·	2·	2
		Decrease		76													

Tavoy	In 1874	63	229	292	83	379	462	17	123	140	66	256	322	80·	67·	69·
	In 1875	140	233	373	94	430	524	20	172	192	74	257	331	78·	60·	63·
	Increase	77	4	81	11	51	62	3	49	52	8	1	9	...	...	...
	Decrease	...	...	...	...	...	...	...	...	...	...	...	...	2·	7·	6·
Mergui	In 1874	85	188	273	64	240	304	13	72	85	47	196	223	70·	74·	73·
	In 1875	97	180	277	84	245	329	23	84	107	61	148	209	72·	60·	63·
	Increase	12	...	4	20	5	25	10	12	22	14	...	...	2·	...	...
	Decrease	...	8	...	...	...	...	...		...	...	48	14	...	14·	10·
Salween	In 1874	18	34	52	38	61	99	9	21	30	28	41	69	66·	68	66·
	In 1875	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Increase	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Decrease	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Moulmein	In 1874	260	1,323	1,583	190	2,573	2,763	56	585	641	129	1,972	2,101	65·	76·	75·
	In 1875	351	1,419	1,770	217	2,544	2,761	106	809	915	113	1,719	1,832	52·	68·	66·
	Increase	91	96	187	27	...	...	50	224	274	...	...	...	...	...	...
	Decrease	...	...	...	...	29	2	...	...	...	16	253	269	13·	8·	9·
TOTAL	In 1874	8,928	13,417	22,345	8,124	26,154	34,278	2,590	9,196	11,786	5,342	16,675	22,017	65·	64·	64·
	In 1875	8,872	13,080	21,952	7,862	23,893	31,755	2,401	8,085	10,486	5,159	15,565	20,724	65·	65·	65·
	Increase	...	...	...	...	...	...	...	...	...	...	...	...	...	1·	1·
	Decrease	56	337	393	262	2,261	2,523	189	1,111	1,300	183	1,110	1,293	...	...	...

Tenas

B.

Division.	Name of District.		Against the State, the Public, and Justice.	Against the person.	Against Property.		Under Penal Code not included in preceding.	Special laws of the province.
					With violence.	Without violence.		
Arakan.	Akyab	In 1874	344	710	49	347	97	179
		In 1875	326	746	33	344	80	203
		Increase	...	36	...	..	.	24
		Decrease	18	...	16	3	17	...
	Kyouk-hpyoo	In 1874	29	258	22	335	83	31
		In 1875	91	334	22	460	53	43
		Increase	68	76	.	125	...	12
		Decrease	...	...	.	..	30	...
	Sandoway*	In 1874	28	95	2	54	14	32
		In 1875	19	68	1	81	11	27
		Increase	..	.	..	27	..	...
		Decrease	9	27	1	..	3	5
	Northern Arakan	In 1874	11	16	..	12	...	6
		In 1875	6	12	...	3	2	4
		Increase	...	..	.	.	2	.
		Decrease	5	4	.	9	...	2
Pegu.	Rangoon	In 1874	381	621	157	1,601	...	325
		In 1875	289	600	122	1,223	46	296
		Increase	..			..	46	...
		Decrease	92	21	35	378		29
	Thonwka	In 1874	.	..	...	...	...	
		In 1875	105	163	122	478	296	226
		Increase	..	..	.	..	..	...
		Decrease	..	.	.	..	..	...
	Bassein	In 1874	91	771	154	1,049	700	194
		In 1875	546	470	94	753	108	357
		Increase	455	...	...	..	..	163
		Decrease	...	301	60	296	592	...
	Henzada	In 1874	401	784	85	2,018	221	322
		In 1875	359	468	230	1,774	242	350
		Increase	..	..	145	...	21	28
		Decrease	42	316	...	244	...	..
	Prome	In 1874	283	831	99	1,325	2	300
		In 1875	181	614	37	850	168	391
		Increase	...	..	...	..	166	91
		Decrease	102	217	62	475	..	...
	Thayetmyo	In 1874	178	461	52	458	101	317
		In 1875	201	434	44	363	100	234
		Increase	113	...	..	...	...	..
		Decrease	...	27	8	95	1	83

* For revised statement, *vide* appendices to Part ii., page 1.

B.—(*concluded*).

Division.	Name of District.		Against the State, the Public, and Justice.	Against the person.	Against property.		Under Penal Code not included in preceding.	Special laws of the province.
					With violence.	Without violence.		
Tenasserim.	Amherst . . .	In 1874 . . .	417	261	6	353	4	189
		In 1875 . . .	181	337	53	500	51	124
		Increase . .	. . .	76	47	147	47	.
		Decrease . . .	236	. .	.	. . .	. . .	65
	Shwe-gyeen . . .	In 1874 . .	88	313	13	537	51	141
		In 1875 . . .	114	322	38	603	44	114
		Increase . . .	31	9	25	66	. . .	. . .
		Decrease . .	. . .	. .	. . .	. . .	7	27
	Toungoo . . .	In 1874 . . .	35	384	15	156	47	126
		In 1875 . .	23	309	17	174	39	160
		Increase . .	. . .	. .	2	18	. .	34
		Decrease . . .	12	75	. . .	. . .	8	. . .
	Tavoy	In 1874 . . .	39	136	9	68	. . .	58
		In 1875 .	27	136	44	98	31	37
		Increase . . .	. . .	. . .	35	30	31	. . .
		Decrease . . .	12	2	. . .	. . .	. .	1
	Mergui	In 1874 . . .	4	152	3	82	. . .	32
		In 1875 . . .	6	143	1	95	7	25
		Increase . . .	2	. . .	. . .	13	7	. . .
		Decrease . . .	. . .	9	2	. . .	. . .	7
	Salween	In 1874 . . .	9	8	4	14	10	7
		In 1875 . .	. . .	. . .	. .	. .	. .	. . .
		Increase . .	. . .	. . .	. .	. .	. .	.
		Decrease . . .	. .	. . .	. . .	. . .	.	. .
	Moulmein . .	In 1874 . .	521	286	9	301	. . .	466
		In 1875 . .	505	484	30	313	53	385
		Increase . . .	. . .	198	21	12	53	. .
		Decrease . . .	16	. .		. . .	. . .	81
	Total . . .	In 1874 . . .	2,847	6,089	679	8,710	1,382	2,705
		In 1875 .	3,069	5,640	888	8,112	1,331	2,976
		Increase . .	222	. .	209	. . .	1	271
		Decrease . .	. .	449	. .	598		. .

A difference of sixty-four cases arising from Rangoon District as follows:—

In preceding Table A. number of offences for Rangoon District 2,512
In Table B. ditto ditto ditto ditto . . . 2,576

Difference of 64 offences.

C.

Division	Name of District.		Number of: Giving false evidence. Cases reported.	Giving false evidence. Persons convicted.	Murder. Cases reported.	Murder. Persons convicted.	Culpable homicide not amounting to murder. Cases reported.	Culpable homicide not amounting to murder. Persons convicted.	Dacoity. Cases reported.	Dacoity. Persons convicted.	Robbery. Cases reported.	Robbery. Persons convicted.	Rape. Cases reported.	Rape. Persons convicted.	Grievous hurt. Cases reported.	Grievous hurt. Persons convicted.	House-breaking. Cases reported.	House-breaking. Persons convicted.	Cattle theft. Cases reported.	Cattle theft. Persons convicted.	Other theft and receiving stolen property. Cases reported.	Other theft and receiving stolen property. Persons convicted.
Arakan.	Akyab	In 1874	2	4	9	7	3	4	..	...	5	3	3	2	13	13	29	21	5	6	284	210
		In 1875	3	8	5	4	6	3	1	7	1	1	1	...	16	15	24	22	7	8	278	191
		Increase	1	4	...	...	3	...	1	7	..	...	..	...	3	2	...	1	2	2	.	..
		Decrease	...	...	4	3	..	1	...	...	4	2	2	2	..	...	5	..	..		6	19
	Kyouk-hpyoo	In 1874	1	2	2	...	1	1	2	...	2	...	1	..	3	12	10	10	3	2	311	175
		In 1875	.	...	5	2	...	...	2	...	7	4	1	1	3	6	11	11	5	5	427	196
		Increase	..	...	3	2	..	...	...	...	5	4	.	1	..		1	1	2	3	116	21
		Decrease	1	2	..	...	1	1	...	...	..	...	...	..	...	6	...	..	.	...	...	
	Sandoway*	In 1874	...	...	1	1	1	1	...	...	1	1	3	1	1	1	...	...	...	...	51	45
		In 1875	..	...	1	1	...	..	...	..	...	...	2	1	3	2	1	1	...	...	76	69
		Increase	...	...	...	...	...	..	...	...	...	..	...		2	1	1	1	...	...	25	24
		Decrease	...	...	..	...	1	1	...	...	1	1	1	...		...	...	.	..	...	...	..
	Northern Arakan	In 1874	...	...	1	4	...	...	...	...	...	...	...	...	..	...	...	...	...	...	1	.
		In 1875	..	...	...	...	..	...	...	...	...	...	...	...	..	...	...	...	1	4	2	..
		Increase	..	...	.	..	...	...	...	...	...	...	...	...	..	...	..	...	1	4	1	...
		Decrease	...	...	1	4	...	...	...	...	...	...	...	..	...	...	...	...	...	...	.	...

PEGU.																						
Rangoon	In 1874	5	7	14	3	6	9	8	...	23	8	27	6	8	2	114	27	229	125	1,[illegible]	373
	In 1875	2	1	11	7	4	3	17	14	23	17	8	7	9	6	80	25	229	75	942	398
	Increase	..	...	...	4	...	...	9	14	...	9	...	1	1	4	...	...	...	...	...	25
	Decrease	3	6	3	...	2	6	...	...	5	...	19	..	..	...	34	2	39	30	127	...
Thonkwa	In 1874	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	In 1875	5	4	5	3	3	5	5	5	4	6	1	1	1	11	109	25	47	36	482	256
	Increase	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..
	Decrease	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bassein	In 1874	12	6	5	4	3	4	...	2	12	21	11	5	12	9	127	65	45	49	917	649
	In 1875	2	2	5	8	2	2	...	4	6	15	9	4	11	10	80	50	22	13	673	540
	Increase	...	...	...	4	...	...	...	2	...	...	...	...	1	1	...	...	...	...	...	...
	Decrease	10	4	...	...	1	2	...	...	6	6	2	1	...	...	47	15	23	36	244	109
Henzada	In 1874	7	5	8	5	2	2	2	11	10	1	15	8	16	21	152	62	85	51	1,796	904
	In 1875	4	2	6	3	5	6	2	1	11	19	12	3	13	16	205	92	100	14	1,608	902
	Increase	...	...	...	...	3	4	...	..	1	18	...	...	...	...	53	30	15	..	...	...
	Decrease	3	3	2	2	...	...	...	10	...	..	3	5	3	5	...	...	...	37	188	2
Prome	In 1874	3	1	8	...	3	2	3	7	9	5	5	3	14	29	85	25	118	57	935	661
	In 1875	2	2	9	10	...	1	1	13	14	19	8	5	22	26	21	20	86	37	725	576
	Increase	...	1	1	10	...	...	...	6	5	14	3	2	8	...	..	...	...	...	...	...
	Decrease	1	...	...	...	3	1	2	...	...	...	...	...	...	3	64	5	32	20	210	85
Thayetmyo	In 1874	6	2	5	3	1	1	3	1	6	2	5	1	2	2	14	12	40	41	362	344
	In 1875	5	5	9	6	...	...	4	2	5	4	8	2	6	4	5	1	42	42	268	234
	Increase	...	3	4	3	...	...	1	1	...	2	3	1	4	2	...	...	2	1	...	...
	Decrease	1	...	...	...	1	1	...	..	1	...	...	...	...	...	9	11	...	...	94	10

* For revised statement, *vide* appendices to Part ii., page li.

Division.	Name of District.		NUMBER OF																					
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle theft.		Other theft and receiving stolen property.	
			Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.
Sessions.	Amherst ...	In 1874 ...	2	2	5	3	..	...	...	...	6	7	2	2	1	1	...	...	55	20	153	202
		In 1875 ...	3	2	9	6	2	1	2	1	5	2	3	1	8	5	21	7	67	17	407	195
		Increase ...	1	..	4	3	2	1	2	1	...	...	1	..	7	4	21	7	12	...	254	...
		Decrease ..	...	...	...	...	..	...	...	...	1	5	...	1	..	...	...	...	...	3	..	7
	Shwe-gyeen ...	In 1874 ...	4	2	...	2	2	4	3	1	2	1	4	1	11	8	7	1	15	21	501	109
		In 1875 ...	3	1	3	4	4	...	3	8	10	6	2	1	5	5	49	4	38	8	525	184
		Increase ...	...	...	3	2	2	...	...	7	8	5	...	...	...	...	42	3	23	...	24	75
		Decrease ...	1	1	...	...	..	4	...	...	...	...	2	...	6	3	...	...	...	13	...	...
	Toungoo ..	In 1874 ..	1	...	1	1	...	...	2	...	4	5	1	1	1	1	5	6	17	19	121	91
		In 1875 ..	...		4	3	1	...	2	7	3	..	...	...	4	.	12	7	32	16	127	73
		Increase ...	...	...	3	2	1	..	...	7	..	.	...	...	3	..	7	1	15	...	6	...
		Decrease ..	1	...	...	...	...	...	...	...	1	5	1	1	...	1	...	...	...	3	...	18

TENAS	Tavoy	In 1874	1	1	4	3	...	...	...	...	...	...	2	...	...	...	6	7	...	...	50	56
		In 1875	...	...	3	2	1	1	...	...	...	...	1	...	3	3	42	7	...	...	92	63
		Increase	...	...	...	...	1	1	...	...	...	...	...	...	3	3	36	...	...	...	42	7
		Decrease	1	1	1	1	...	...	...	...	.	..	1	...	...	...	...	...	...	...	...	...
	Mergui	In 1874	...	...	5	2	1	1	...	...	1	3	...	...	2	3	2	1	1	3	72	36
		In 1875	1	1	2	2	1	1	1	...	1	1	1	1	4	2	3	4	...	...	84	48
		Increase	1	1	...	...	...	...	1	...	...	...	1	1	2	..	1	3	...	...	12	12
		Decrease	...	...	3	...	...	...	...	...	...	2	...	...	...	1	...	...	1	3	...	...
	Salween	In 1874	...	...	1	1	...	...	4	19	...	...	1	1	...	...	...	...	2	1	8	5
		In 1875	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Increase	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Decrease	...	...	...	..	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	..
	Moulmein	In 1874	2	2	3	2	...	...	...	...	...	...	1	...	7	7	9	3	1	...	213	105
		In 1875	2	1	4	6	2	1.	...	...	4	...	3	...	10	6	25	3	..	...	285	86
		Increase	...	...	1	4	2	1	...	...	4	...	2	...	3	...	16	...	...	...	72	...
		Decrease	..	1	...	...	...	...	...	...	...	...	...	...	...	1	...	...	1	...	...	19
	TOTAL	In 1874	46	34	72	41	23	29	27	41	86	57	81	31	95	114	572	253	759	447	6,724	3,875
		In 1875	32	29	81	67	31	24	40	62	94	94	60	27	118	117	688	279	676	275	7,001	4,001
		Increase	...	...	9	26	8	...	13	21	8	37	...	..	23	3	116	26	...	...	277	126
		Decrease	14	5	...	...	...	5	...	...	...	...	21	4	...	...	...	...	83	172	...	...

Offences reported.

8. The total number of offences reported was 21,952, against 22,345 in 1874.

Decrease in bailable offences.

4. The decrease was mainly in bailable offences, there being a falling-off of only 56 non-bailable cases in a total of 8,872.

5. The fluctuations are, however, marked in different districts.

Non-bailable offences.

6. In non-bailable offences, Akyab, Rangoon, Bassein, Henzada, Prome, and Thayetmyo show a decrease; whereas in Sandoway, Amherst, Shwe-gyeen, Toungoo, Tavoy, Mergui, and the Town of Moulmein this class of offences has increased.

New district of Thonkwa.

7. The district of Thonkwa appears for the first time in the returns, and 503 non-bailable cases which occurred in it must be set against the decrease in Rangoon, Bassein, and Henzada, as Thonkwa is made up of areas included in those districts in former years.

Crime in Rangoon.

8. In Rangoon, though non-bailable crime diminished on the whole, there was a lamentable increase in dacoity, respecting which the Deputy Commissioner writes as follows :—

In the year under review dacoities increased by twelve, in two of which murder was committed. It would be out of place here to detail the facts connected with each case. No doubt the Police Report will give details showing the reckless daring of the gangs, the members of which were generally well provided with fire-arms, and how completely the Police Force failed up to the commencement of the rains to put down the crime.

The reasons for this are not far off, or hard to be discovered. In the first place, there was not a single conviction obtained in any dacoity case in 1874, and not a single item of plundered property was recovered.

This alone was sufficient encouragement to dacoits who existed, and to those who were inclined to join in the future.

In robberies in 1874, the case was not much better: twenty-nine robberies were reported, ten of which were with hurt or deadly weapons: thirty persons, said to be concerned in these robberies, were put on their trial, of whom twenty-two were acquitted and eight only convicted.

It was demonstrated in correspondence published in the *British Burma Gazette* of 4th September 1875, and it is now admitted on all hands, that the state of the Rangoon District as regards violent crime was almost as bad as it was possible for it to be.

Every necessary measure has now been taken to repair the mistakes made, but it will require some considerable time before the effects *on the people* of what appeared to be weakness in the government of the individual district can be destroyed.

The history of crime for some years back, and facts elicited latterly in some cases, have both tended to show that the people in the district had learnt to despise and defy the authority of the Magistracy. If they were not openly hostile to the Police and Magistracy, they at least manifested no desire to assist them, and this state of feeling will be most difficult to eradicate. It is impossible to have a Police force so numerous that each village will be supplied with men, and therefore we must look for active assistance and co-operation from well-disposed villagers in giving information, and even in capturing offenders.

It is in evidence in late cases that dacoits and bad characters had established such a terrorism, that well-disposed villagers were afraid of being assassinated if they gave any information.

The Thoogyees, to whom the Magistracy elsewhere owe so much in assistance, rendered in keeping their circles quiet by personal influence, are here, with very few exceptions, utterly apathetic and untrustworthy, if not worse.

In robbery cases a decrease of six is shown, but they seem to have merged into the more serious crime of dacoity.

Measures adopted for the suppression of crime.

9. It is satisfactory to know that the energetic measures adopted have so far proved successful.

Crime in Bassein.

10. In Bassein the decrease in non-bailable offences is very large, and, although Mr. St. John writes that very little, if any, crime remains unreported, it appears almost incredible that, out of 2,328 cases reported, only 74 were not brought before the Courts. On this point further explanation has been called for.

Crime in Henzada.

Falling-off in non-bailable offences in Prome.

11. In Henzada the decrease is not more than could be accounted for by the transfer of the Donabyoo township to Thonkwa; but, strange to say, the adjoining district of Prome exhibits a falling-off in non-bailable offences of over 33 per cent.

If these figures could be relied on, the result would be matter for congratulation; but I cannot accept them as giving a truthful representation of the state of crime in the district, or as showing anything more than the number of offences which have come before the Courts. The following observations were recorded in my review of the Prome Report on this subject:—

The difference between the numbers of non-bailable offences reported, and of persons brought to trial for those offences is so small—*viz.*, 15—that the correctness of the former is open to doubt. The Police returns show 1,477 cognizable offences reported, and it is a matter for surprise that arrests should have been made for nearly every one of those that was not bailable, and that detection and prosecutions should have failed only in bailable cases; whereas in bailable cases dealt with by the Magistrates, 1,864 are said to have been reported, 215 complaints were dismissed by Magistrates without issue of process, and yet for the remainder, 2,434 persons, and over two for each case, are brought to trial.

Para. 36.—If by this is meant that the District Superintendent of Police has suppressed complaints or reports of offences, his action was illegal.

The Police are bound to report *every* complaint made to them—non-cognizable offences, by an entry in the station diary alone; cognizable offences, by a report also to the Magistrate having jurisdiction (Sections 112, 113, 114).

Proof is not a condition necessary to justify them in reporting offences, and if they have required such a condition, the decrease of offences shown in this report is not in accordance with the real state of things.

12. In justice to Colonel MacMahon, I would observe that the practice in several other districts has been to show as "offences reported" only such as have been tried before the Courts; but in few others have such striking results attracted attention to it. For the whole province there were 18,465 cases tried, against 21,952 reported, or 84 per cent. In 1874, the proportion of trials to cases reported was over 80 per cent.

Offences reported in Oudh and the Central Provinces.

13. In Oudh during the same year it was not 33 per cent., and in the Central Provinces, by the report for 1875, just received, I observe that the total number of offences reported was *49,848*, while the cases disposed of and persons tried were only 27,334 and 44,320 respectively—figures which prove that crime in those pro-

vinces is more correctly reported than in British Burma, or else that their Police, which I have no reason to suppose, are much inferior in detective ability.

Crime in Kyouk-hpyoo, Amherst, Shwe-gyeen, Toungoo, Tavoy, and Mergui.

14. Kyouk-hpyoo, Amherst, Shwe-gyeen, Toungoo, Tavoy, and Mergui show an increase in non-bailable offences, of which different explanations are given. Major Pemberton attributes it to scarcity of money among the labouring population; Captain Forbes to short-handed Police and Judicial establishments, and the disturbances across his frontier in Pegu; and Colonel Spilsbury to the want of a District Superintendent of Police for the greater part of the year.

Bailable offences.

15. Of bailable offences, 13,080 are shown as reported, against 13,417 in 1874, the decrease being thus 337.

The most marked fluctuations were in Kyouk-hpyoo and Amherst. In the former district the Deputy Commissioner states that there has been an increase of prosecutions for nuisance under both the Penal Code and Police and Municipal Acts, as also in cases of assault, criminal force, and causing hurt. In Amherst, the Deputy Commissioner considered that the figures called for no comment.

Persons brought to trial.

16. There has been a considerable falling-off in the number of persons brought to trial, the figures being 31,755, against 34,278 in 1874, though the per-centage of persons brought to trial to offences reported was better, being 69 to 65.

Proportion of convictions to number of persons brought to trial.

17. The proportion of convictions to the number of persons brought to trial was slightly better than last year, being 65 per cent. both in bailable and non-bailable offences.

Convictions below 60 per cent.

18. The following table shows those districts in which the proportion of convictions was below 60 per cent. :—

Name of District.	Per-centage of convictions to persons brought to trial.	
	Non-bailable.	Bailable.
	Per cent	Per cent.
Rangoon	52	..
Amherst	58	56
Toungoo	..	50
Moulmein	52	..

19. Colonel Sladen attributes the low proportions in the Amherst District to neglect to examine complainants sufficiently previous to issue of summons, and characterizes two of his Subordinate Magistrates as "ignorant of their work, and unable to perform it." A report on the capacity and efficiency of the officers named has been called for.

Proportion of convictions in Amherst.

20. Major Lloyd observes that, in the 533 cases 840 persons were said to have been concerned, of whom 427 were convicted, or 50·8 per cent. Three hundred and seventy-seven persons are shown as acquitted: they appear in this column simply because in many cases a guilty person compounded the offence, and the complainant did not appear in Court, when the respondent was entered in the acquitted column.

Convictions in Toungoo.

21. Table C. shows the result of prosecutions for the more heinous crimes, and speaks for itself. Forty cases of dacoity were reported, against 27 in 1874. Of the increase of 13, nine were in the Rangoon District alone, two in Amherst, one in Akyab, in which the offenders were brought to justice, and one in Mergui.

Heinous crimes.

22. Sandoway, Northern Arakan, Bassein, Tavoy, and the Town of Moulmein enjoyed an exemption from this crime.

23. The Mergui case is thus described by the Deputy Commissioner:—

Piracy in Mergui.

Under dacoity, there is one case, against none in the previous year; but this was not properly a case of dacoity, nor was it committed by people of this district—it was a case of piracy, in which two piratical vessels filled with Chinamen came up the coast and attacked and plundered a boat anchored at one of the islands some distance off Malewoon; they murdered one of the crew. The *Nemesis* was sent down to look after them, but before she arrived they had disappeared. There being no section in the Penal Code for piracy, the case has been entered as one of dacoity with murder, but it cannot be considered as one of crime pertaining to this district.

And the Deputy Commissioners make the following remarks respecting the two cases in Amherst and Kyouk-hpyoo in which no offenders were arrested:—

Amherst.—The two cases of dacoity reported this year ought more properly to be described as frontier raids.

In both instances the gangs appeared suddenly from beyond the Siamese Frontier, and, having *looted* one or two unguarded Karen villages, returned immediately to Siamese territory. This district possesses an undefined frontier line of two hundred miles, bordering on Siam, or one or other of its tributary states, and no amount of supervision on the part of the available Frontier Guards can prevent frontier raids. The only fear is that, with the present state of disorganization and anarchy in a portion of the Siamese states, raids are likely to increase. The frontier police has been strengthened during the year by an extra guard at Doolay, on the Thongyeen.

Kyouk-hpyoo.—One of the cases of dacoity entered was a raid by wild Kyens from apparently within the geographical boundaries of the Akyab District on the Kyens living within the protected part of the Kyouk-hpyoo District. The raiders were at first supposed to be from beyond the Burmese frontier, but the matter is now before the Executive Government, with a view to effecting the release of the captives and punishment of the raiders.

Another case was committed near An, which is close to Upper Burma, and offers great facilities for escape.

24. The small proportion of persons convicted of rape is remarkable—only 27, against 60 complaints.

The offence of rape.

25. There has been an increase in the number of offences, but a larger proportion of the offenders has been brought to justice. The facility with which a Burmese wife can procure a divorce frequently leads the deserted husband to kill his late partner or her lover, through revenge or jealousy, and several murders during the past year have been due to this cause. Bassein and Prome have been most successful in prosecuting murderers.

Murders.

26. There has been an increase also in cases of culpable homicide not amounting to murder, and grievous hurt, with similar results of the prosecutions for those offences. The attention of all Judges and Magistrates was called by circular No. 30 of this Court, copy of which is appended, to the remarks of the Chief Commissioner in his review of the Police Administration Report for 1873, as regards the increase of offences falling under the designation of hurt, and they were urged to inflict substantial punishments for those offences, and to bring to my notice cases of the Subordinate Magistrates in which the punishment had not been sufficiently severe. In seven cases the punishment was enhanced by me. That 117 persons should have been convicted in 118 cases of causing grievous hurt is a proof that prosecutions were well conducted. Toungoo is an exception, where no conviction took place, though four cases were reported.

Culpable homicide not amounting to murder, and grievous hurt.

IN THE COURT OF THE JUDICIAL COMMISSIONER, BRITISH BURMA.

Circular Memorandum No. 30.

Criminal Side.

To all Sessions Judges and Magistrates,—dated Rangoon, the 29th April 1875.

The Chief Commissioner, in his review of the Police Administration Report for 1873, drew attention to the gradual increase of the number of offences coming under the designation of hurt during the preceding four years, and recorded the following remarks: "The Police can but very seldom prevent the occurrence of the various crimes coming under the designation of hurt. They are mostly the result of passionate impulse, and, with the presence in every house of the *dah* (knife, sword, or hatchet), sudden anger is, among an excitable people, very frequently followed by a cut which may end in murder or hurt. But the increasing prevalence of the crime certainly requires attention, and such remedy as the law can apply would appear to lie in the severity of the punishment inflicted on the offenders. The Judicial Commissioner will be asked to investigate the question, and to say whether, in his opinion, the Courts are in the practice of inflicting punishments commensurate with the heinousness of this offence."

2. Mr. Sandford has left on record an expression of his opinion that the punishments awarded by the Courts for these offences are frequently inadequate, and the Officiating Judicial Commissioner now appeals to all Sessions Judges and Magistrates to act with vigour on the wide discretion which the law allows them,

so as to endeavour at least to check by severe punishments the spread of these offences, which are promoted by the temper and habits of the people, and which have largely increased under our administration.

3. Sessions Judges and Magistrates of districts are requested to examine periodically a few cases decided by each of the Subordinate Magistrates and to bring to the notice of the Officiating Judicial Commissioner those in which, in their opinion, the punishment has not been sufficiently severe.

4. A note should be made on each quarterly statement, showing the number of cases of each Court so examined.

House-breaking.

27. The increase in the number of offences shown in the returns is attributed to a more correct classification in several districts, such offences having been previously recorded as thefts in a dwelling-house. It is doubtless difficult to distinguish the different offences under these heads in this country, where often wooden sheds form the dwelling-houses of the bulk of the population. The per-centage of convictions of cases reported was 40.

Cattle-theft.

28. This offence was most prevalent in Rangoon and Henzada, and in the latter district the prosecutions were not successful. Colonel Duff offers the following remarks on this subject:—

As regards cattle-theft, there were only 14 persons convicted, to 100 cases reported. As usual, by far the greater number of these cases occurred in the earlier, while some of the convictions were had in the latter, half of the year; and it is possible that an almost simultaneous change in the middle of the year in the officers who held the appointment of Magistrate of the District and Superintendent of Police may have had something to do with this falling-off in detection. On the other hand, there seems little reason to doubt that there was a want of sufficient supervision over the Police in the southern and western portions of the Myanoung Sub-division, where a good deal of the crime occurred; and again, from the habits of the people, there can be very little doubt that one conviction generally accounts for at least four or five thefts—a remark which also applies to ordinary theft. The Burman in the fine weather turns his cattle adrift to graze with others, but with no one to look after them. He hides his valuables in odd corners, which he is always changing. Days, and sometimes weeks, elapse without his looking for either. When he cannot find them, he is in doubt for a time whether his cattle have strayed or whether he did not change the place for deposit of his valuables, so further time is lost in fruitless search, and it is only when there can be no doubt that his property has been stolen that he reports the fact to the Police. By that time all trace of both thief and property have disappeared, and detection becomes more a matter of luck than of management; while in the meantime impunity emboldens the thief, and he continues his depredations with ever-decreasing caution, until he is at last caught in the act, in perhaps his fifteenth or twentieth crime.

Making allowance, however, for all this, there can be no doubt that the detection of cattle-theft in the district has been deplorably bad, and no effort will be spared to improve it in the present cattle-lifting season.

The result shown in the statement, of 42 persons convicted against 42 cases reported in Thayetmyo, is very favourable if all the cases reported are really shown.

Criminal work in the districts.

29. The next table shows the amount of criminal business in the several districts, the result of the trials, and the state of the files at the end of the year.

Division.	Name of District.	Number of cases tried.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Remaining under trial.		Number of persons under trial at close of year whose cases have been pending over six weeks	
								In custody.	On bail or personal recognizance.	In custody.	On bail or personal recognizance.
Arakan.	Akyab	1,571	2,617	342	525	1,699	21	4	2	...	...
	Kyouk-hpyoo	792	1,163	137	324	696	3	...	...	...	...
	Sandoway ...	207	298	27	72	194	2	...	1	...	...
	Northern Arakan ...	27	76	10	15	51	...	...	...	...	...
Pegu.	Rangoon	1,702	2,904	388	626	1,679	46	25	9	...	...
	Thonkwa	1,222	2,189	222	562	1,357	22	25	...	...	...
	Bassein	2,254	4,432	400	658	3,208	11	1	3	...	...
	Henzada	2,535	4,227	335	970	2,874	15	2	25	...	...
	Prome	1,956	3,296	573	468	2,216	14	3	17	...	...
	Thayetmyo ...	1,466	2,522	266	537	1,691	8	...	...	...	...
Tenasserim.	Amherst	1,012	1,876	171	606	1,053	17	4	20	...	1
	Shwe-gyeen ...	900	1,611	267	322	1,008	8	2	4	...	...
	Toungoo	679	988	2	401	542	3	..	7	1	...
	Tavoy	806	524	27	165	328	3	...	.	...	...
	Mergui	241	329	18	89	206	3	1	4	...	...
	Salween	...	...	...	...	...	...	...	...	...	...
	Moulmein	1,589	2,761	85	825	1,818	20	2	10	...	...
	Total ...	18,465	31,813*	3,270	7,165	20,620	196	69	102	1	1

* Fifty-eight persons sent up by Subordinate Magistrates for higher punishment are shown against the Magistrates who committed them, as well as against the convicting Magistrates, and thus the difference between these and corresponding totals of preceding table.

Of 31,813 persons brought to trial, 10,435 were discharged or acquitted, and 20,816, or 65 per cent., were convicted or committed. Only two persons were under trial whose cases had been pending over six weeks: one of these was a lunatic, and the other was held to bail by the Conservator of Forests at Moulmein in consequence of the serious illness of one of the witnesses and the unavoidable absence of another in the forests.

Cases tried in the districts

30. The following supplementary statement shows the number of cases tried summarily and regularly by the Magistrates of the 1st class, and by Magistrates of Districts, and also the number of cases tried under the enlarged powers conferred upon the Magistrates of Districts by Section 36, Criminal Procedure Code.

Division.	Name of District.	Class of Magistrates.	Number of cases tried.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Remaining under trial.		Number of persons under trial at close of year whose cases have been pending over six weeks.
									In custody.	On bail or personal recognizance.	On bail or personal recognizance.
Arakan.	Akyab	Magistrates of the 1st class ... Summarily	547	920	21	227	672	... 7	...	...	...
		Regularly	160	246	41	62	135		...	...	...
		Magistrate of the District ... Summarily	...	...	...	...	...	...	...	...	...
		Regularly	39	63	9	14	26	14	...	...	...
		Under enlarged powers..	5	5	...	...	5		...	...	...
	Kyouk-hpyoo ...	Magistrate of the 1st class ... Summarily	...	...	...	...	...	...	...	...	...
		Regularly	...	...	...	...	...	...	...	...	...
		Magistrate of the District ... Summarily	2	2	...	1	1	...	...	...	...
		Regularly	17	24	4	6	12	3	...	...	...
		Under enlarged powers	2	2	...	...	2	...	...	...	...
	Sandoway ...	Magistrate of the 1st class ... Summarily	...	...	...	...	...	...	...	...	...
		Regularly	...	...	...	...	...	...	...	...	...
		Magistrate of the District ... Summarily	6	13	9	14	13	2	1	...	...
		Regularly	51	69	...	...	41	...	...	...	...
		Under enlarged powers	...	...	...	...	...	...	...	...	...
	Northern Arakan	Magistrate of the District ... Summarily	...	...	...	...	...	...	...	...	...
		Regularly	12	41	2	4	35	...	...	...	...
		Under enlarged powers...	...	...	...	...	...	...	...	...	...
	Rangoon	Magistrate of the 1st class ... Summarily	163	288	12	21	255	25	12	6	...
		Regularly	350	654	147	75	373		...	...	...
		Magistrate of the District ... Summarily	15	68	12	16	40	...	...	...	...
		Regularly	105	137	26	8	74	21	2	...	...
		Under enlarged powers...	13	18			18		...		...

PEGU.	Thonkwa ...	Magistrate of the 1st class ...	Summarily	13	24	3	...	21	...	...	...	...	..
			Regularly	262	527	87	122	301	15	2	...	...	..
		Magistrate of the District ...	Summarily	20	38	3	...	35	..	...	...	...	..
			Regularly	125	219	20	81	111	7	...	...	...	..
			Under enlarged powers...	17	19	...	1	18	...	...	...	...	..
	Bassein ...	Magistrate of the 1st class ...	Summarily	697	1,596	34	162	1,400	...	...	...	...	...
			Regularly	282	465	60	85	282	7	1	1	...	..
		Magistrate of the District ...	Summarily	145	280	33	45	202	...	...	...	...	...
			Regularly	82	137	45	15	64	4	...	...	...	...
			Under enlarged powers ...	15	22	...	...	22	...	...	...	...	...
	Henzada ...	Magistrate of the 1st class ...	Summarily	334	523	50	81	392	...	...	...	...	...
			Regularly	687	1,048	29	255	741	14	2	4	...	...
		Magistrate of the District ...	Summarily	26	46	3	2	41	...	...	...	...	...
			Regularly	80	112	34	11	66	1	...	...	...	...
			Under enlarged powers...	14	33	...	…:	33	...	...	...	...	...
	Prome ...	Magistrate of the 1st class ...	Summarily	1,011	1,163	306	23	832	...	...	...	...	...
			Regularly		612	107	22	449	12	3	17	...	...
		Magistrate of the District ...	Summarily	136	2	..	...	2	...	...	...	...	..
			Regularly		140	15	17	106	2	...	...	...	..
			Under enlarged powers...		48	...	4	44	..	...	...	...	
	Thayetmyo ...	Magistrate of the 1st class ...	Summarily	305	460	46	81	333	...	...	...	...	...
			Regularly	375	628	140	78	385	7	...	...	...	...
		Magistrate of the District ...	Summarily	23	51	...	15	36	...	...	...	...	...
			Regularly	33	48	11	14	22	1	...	...	...	...
			Under enlarged powers...	5	10	...	3	7	...	...	...	...	...
TENASSERIM.	Amherst ...	Magistrate of the 1st class ...	Summarily	74	198	50	6	142	...	...	...	...	..
			Regularly	220	348	46	68	214	11	4	3	...	.
		Magistrate of the District ...	Summarily	10	17	2	6	9	...	...	...	...	..
			Regularly	29	40	2	8	24	6	...	...	...	..
			Under enlarged powers...	2	3	...	...	3	...	...	...	...	...
	Shwe-gyeen ...	Magistrate of the 1st class ...	Summarily	...	...	...	...	...	...	...	...	...	...
			Regularly	117	202	16	39	144	3	...	...	...	...
		Magistrate of the District ...	Summarily	50	110	...	17	93	...	...	...	...	...
			Regularly	106	152	40	...	105	5	2	...	...	...
			Under enlarged powers...	6	13	1	...	12	...	...	...	...	...
	Toungoo ...	Magistrate of the 1st class ...	Summarily	...	...	...	...	...	...	...	...	...	...
			Regularly	113	153	1	59	84	...	...	...	...	..
		Magistrate of the District ...	Summarily	...	...	...	...	...	...	...	...	...	...
			Regularly	34	43	...	10	25	3	...	...	1	...
			Under enlarged powers...										

Division.	Name of District	Class of Magistrates.	Number of cases tried.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Remaining under trial.		Number of persons under trial at close of year whose cases have been pending over six weeks.	
									In custody.	On bail or personal recognizance.	In custody.	On bail or personal recognizance.
Tenasserim—(*concluded*).	Tavoy ...	Magistrate of the 1st class ... Summarily	...	...	...	...	...	...	...	...	...	...
		Regularly	...	...	...	...	...	...	...	...	...	...
		Magistrate of the District ... Summarily	...	...	...	...	...	...	...	...	...	...
		Regularly	60	96	...	11	84	3	...	...	...	...
		Under enlarged powers ...	...	...	...	...	...	...	...	...	...	...
	Mergui ...	Magistrate of the 1st class ... Summarily	...	...	...	...	...	...	...	...	...	...
		Regularly	...	...	...	...	...	...	...	...	...	...
		Magistrate of the District ... Summarily	20	22	1	3	18	3	1	4	...	...
		Regularly	45	74	10	14	42	...	...	...	...	...
		Under enlarged powers ...	2	2	...	...	2	...	...	...	...	...
	Salween ...	Magistrate of the District ... Summarily	...	...	...	...	...	...	...	...	...	...
		Regularly	...	...	...	...	...	...	...	...	...	...
		Under enlarged powers	...	...	...	...	...	...	...	...	...	...
	Moulmein	Magistrate of the 1st class ... Summarily	1,439	2,546	98	766	1,746	20	1	5	...	...
		Regularly	160	215	57	69	72	...	1	5	...	...
	Total	Magistrate of the 1st class ... Summarily	7,339	7,718	550	1,367	5,793	121	1	5	...	...
		Regularly		5,098	731	924	3,180		25	36		
		Magistrate of the District ... Summarily	1,352	648	54	105	489	75	5	5	1	...
		Regularly		1,570	228	295	1,008					
		Under enlarged powers ...										
		Grand total ...	8,691	15,034	1,563	2,631	10,465	196	31	46	1	

The District Magistrates of Bassein, Thonkwa, Shwe-gyeen, Prome, Rangoon, and Henzada have taken a large share of the criminal work in their respective districts, while the number of cases tried by Deputy Commissioners of Akyab, Amherst, and Kyouk-hpyoo is but small.

The Deputy Commissioners of Sandoway and Tavoy made no use of their enlarged powers under Section 36 of the Code of Criminal Procedure.

Summary trials have been numerous, and, when the Magistrate is an officer of judgment and experience, are a clear benefit to the administration, by saving valuable time; but I have been obliged to resist pressure to induce me to recommend the investiture of young officers with power to hold such trials. The curtailment of the right of appeal, and the difficulty of succeeding even when appeal is allowed, in consequence of the meagre nature of the record, require that such powers should be cautiously conferred.

31. The subjoined table shows the punishments inflicted by the different Magisterial authorities.

Division	Name of District	Persons sentenced to						Amount of fine			
		Solitary confinement	Simple imprisonment	Rigorous imprisonment		Fine.	Whipping	Imposed.	Realised.	Awarded as compensation	
				Two years and under	Over two years					Ordered	Paid.
								Rs A. P	Rs A P	Rs A P	Rs A. P
Arakan	Akyab	8	13	309	5	1 329	67	19,661 2 0	14,665 15 6	1,980 2 0	684 10 0
	Kyouk hpyoo	1	5	203	7	456	24	7,434 0 0	6,093 13 6	475 8 0	183 8 0
	Sandoway*		1	75		116	4	2,289 0 0	1,179 0 0	69 0 0	69 0 0
	Northern Arakan			10		42		193 0 0	193 0 0	30 0 0	30 0 0
Pegu	Rangoon	13	18	558	21	1,047	78	32,334 0 0	21,229 0 0	5,607 0 0	3,490 0 0
	Thonkwa	2	13	310	18	989	79	27,503 10 8	20,336 4 2	5 537 9 4	4,026 2 9
	Bassein	18	83	520	22	2,524	145	45,251 4 3	32,338 12 10	18,685 9 9	12,893 0 4
	Henzada	38	27	999	42	1,754	204	47,059 2 10	28,459 3 7	13,618 5 0	4,005 14 8
	Prome	26	18	633	37	1,506	185	24,494 0 0	15,869 0 0	1,378 0 0	372 0 0
	Thayetmyo		10	347	7	1,379	88	24,660 0 0	16,315 13 3	7,103 5 0	3,518 3 0
Tenasserim,	Amherst		13	193	7	818	22	17 503 8 0	13,978 2 0	2,062 10 8	1,679 10 8
	Shwe gyeen	2	15	322	16	666	53	8,343 15 8	7 237 1 6	363 13 8	363 13 8
	Toungoo	1	5	86	8	438	23	5,548 13 6	3 821 2 6	1,295 8 0	1,065 8 0
	Tavoy		3	81		229	4	1,288 0 0	1,224 0 0	109 0 0	109 0 0
	Mergui		2	60	4	143	2	1 931 0 0	1,238 0 0	550 8 0	341 12 0
	Salween										
	Moulmein	11	84	149		1,558	22	11,382 14 6	11,002 8 6	495 8 0	370 8 0
	Total	120	310	4,855	194	14,994	1,000	2,76 832 7 5	1 95,180 13 4	58,661 7 5	33,142 11 1
	As compared with 1874	10	238	4,705	143	16,670	750	3,11,394 11 3	2 31,157 14 2	53,940 1 5	49,213 15 5

For revised statement, *vide* appendices to Part II, page lii.

A hundred and twenty sentences of imprisonment included solitary confinement, against 10 in 1874. The provision of accommodation in some jails for carrying out such sentences, which formed the subject of correspondence during the year, has removed the reluctance of many European Magistrates to award this form of punishment, and Native Magistrates are only gradually realizing that it is occasionally suitable.

No sentences of solitary confinement were passed in the districts of Thayetmyo and Amherst.

32. Three hundred and ten persons were sentenced to simple imprisonment, of whom 83 belonged to the Bassein District and 84 to the town of Moulmein. The offences were doubtless in most cases breaches of Municipal Bye-laws or of Excise Acts.

33. There was also an increase in the numbers sentenced to rigorous inprisonment, while punishments by fine fell from 16,670 to 14,994. The Burman Magistracy are learning that fine is not the appropriate penalty for all offences.

34. The average fine was Rs. 18, which was swollen by very heavy fines imposed in excise cases.

Breaches of the excise law, and the punishments awarded.

35. Many Magistrates consider that, as breaches of the Excise law are (on first conviction) punishable with fine only, they are warranted in imposing an amount of fine which it is obviously impossible for the accused to pay, in order that imprisonment may follow. I have pointed out to them that they are not justified in thus contravening the obvious intention of the Legislature, and that fines should not in excise, any more than in other cases, be excessive—*i. e.*, disproportioned to the means of the offender. An amendment of the law, which would give Magistrates the option of imprisoning at once for these offences, seems desirable.

Fines imposed.

36. Of the amount imposed, Rs. 1,95,180-13-4, or 70 per cent., were realized, and of this Rs. 58,661-7-5 were awarded, and Rs. 33,142-11-1 actually paid to parties injured.

In some cases, however, fines paid as rewards to informers and apprehenders in excise cases have been erroneously included in the two last items. In no district were the provisions of Section 308 of the Code of Criminal Procedure altogether overlooked, though in Tavoy and Sandoway they might have been more liberally acted on.

Whipping.

37. Sentences of whipping increased from 750 to 1,000. This punishment was most frequently resorted to in Bassein, Henzada, Prome, and Thayetmyo. The Deputy Commissioner of Rangoon makes the following remarks respecting this punishment when awarded by courts in the interior. It is obviously necessary that, when awarded, whipping should be effectively administered.

As was the case last year, the Native Magistracy rarely resorted to whipping. The Magistrate last year remarked that this was not to be regretted in the case of the Extra Assistant Commissioners, who could rarely get a sentence of whipping properly carried out. This is undoubtedly too true. A Burman policeman or peon never can flog. He objects to it on principle, and, if forced to carry it out, he inflicts flabby stripes, without method or vigour, and the criminal practically

goes unpunished, as the shame attending the ceremony falls lightly on a Burman—if, indeed, it affects at all either his self-esteem or his social status amongst his fellows. That the punishment cannot be properly carried out is an undoubted defect in our system.

Orders passed by Magisterial authorities in the exercise of their preventive jurisdiction, &c.

38. The subjoined table shows the orders passed by the Magisterial authorities in the exercise of their preventive jurisdiction, and other miscellaneous business.

Division	Name of District.	Persons: Ordered to: Give security for keeping the peace.	Give security for good behaviour.	Remove nuisance.	Maintain wives or children.	Maintain lunatics, under Act XXXVI. of 1858.	Pay compensation for frivolous complaints.	Persons: Imprisoned in default of security.	Imprisoned in default of providing maintenance.	Punished for contempt of Court.	Dealt with as lunatics under Act XXXVI. of 1858: Made over to friend or relative.	Sent to Lunatic Asylum.	Number of complaints dismissed without issue of process.	Orders passed for restoration of possession.
Arakan	Akyab	5	32		6		13	12		3			269	
	Kyouk-hpyoo		16	1	35		6	16					67	
	Sandoway		7					5					10	
	Northern Arakan		2			1						1		
Pegu	Rangoon	32	139	12	1	1		79	1	2		1	49	6
	Thonkwa	28	106	47	3	3	1	129				3	33	
	Bassein	11	113	11	14		2	107			2	3	87	
	Henzada	8	196	4	23	3	6	35		7	7	1	43	
	Prome	6	64					37		9		2	215	
	Thayetmyo		41					28					32	
Tenasserim	Amherst	2	128	61	1		1	122		1			97	7
	Shwe-gyeen	36	59		2		1	73				1	17	
	Tonngoo		7	6	1	7		4					39	
	Tavoy		3		8			2					8	
	Mergui				5		7							1
	Salween	6	13					8				6	446	
	Moulmein													
	Total	144	993	142	98	8	40	657	1	22	11	18	1,402	14

Henzada, Thonkwa, Bassein, Rangoon, and Amherst show the greatest number of cases of persons called on to give security for good behaviour; but the difference between those districts as to the ability of the accused to furnish security is striking. Thus, in Rangoon, out of 139 only 79, and in Henzada out of 198 so few as 35, were imprisoned. In Thonkwa, Bassein, and Amherst nearly the full numbers called upon failed to find satisfactory security for their good behaviour, and were imprisoned in consequence.

Persons called on to give security in Thonkwa, Henzada, and Rangoon.

39. The Deputy Commissioner of Thonkwa considered it necessary on the first starting of his district to put the law vigorously in force, owing to the prevalence of theft generally in the district, and in Yandoon in particular, and the following quotations from their reports are interesting, as showing the views on this subject of two such experienced Magistrates as Colonel Duff and Mr. Ireland:—

Henzada.—A hundred and ninety-eight persons were required to give security for good behaviour, the number in 1874 having been 273. As usual, by far the greater number of these persons came from the Tharrawaddy Sub-division, the numbers from it being 121 in 1875 and 162 in 1874. The reasons for this were fully set forth in last year's report, and, as these reasons are still in full force, as people of all sorts and nationalities are rapidly increasing in the sub-division, a great many of whom have no ties or fixed residence in this province, and come here for the sole purpose of getting money, without being particular as to how they get it, it is satisfactory that there has been a decrease of 41 persons, as also that in 1875, as in 1874, there was not a single appeal from the Assistant Commissioner's orders. There can be no doubt that the provisions of the law on the subject may be abused, as was remarked in the Criminal Report of last year; but there are very few penal laws which, if not carefully administered, may not be abused and become oppressive; while, on the other hand, no person with any acquaintance with the criminal classes of this country, it is believed, can doubt the excellent effect, even in the most lawless tracts, of a judicious application of the powers vested in Magistrates under Chapter XXXVIII. of the Criminal Procedure Code.

Of the 198 persons ordered to give surety for good behaviour, thirty-five were imprisoned in default. As has been frequently before remarked, the friends and relations of even the worst characters in this country usually become security for them, though they sometimes allow them purposely to remain in jail for a few days as a warning: this sort of sureties almost invariably look well after the person for whose conduct they are responsible, and occasionally, if he gets beyond their control, will bring him to Court and have their security bonds cancelled, though they generally relent again after a few days. Those who fail to give security are almost always vagabonds from Upper Burma or elsewhere, with no friends or relatives in the district, though, in some rare cases, a man is known to be so beyond control that even his own near relatives will not bail him out.

Rangoon.—The persons against whom the law is generally put in force are up-country Burmans, who stray away from the bands of reapers and coolies which come in year by year. Many of these men lose their earnings by gambling, and instead of going back, they remain to prey on the people here till the ensuing season. These men are dangerous characters, and are noted for their blood-thirstiness and recklessness of life. But the persons who give the Police and Magistracy quite as much trouble are the vagabond Chinese, who are found in numbers in every considerable village. These men are notorious as gamblers, makers of illicit liquor, sellers of opium, and perhaps other noxious drugs. In most cases they are also receivers of stolen property. They endeavour to hide their malpractices, and to make themselves appear honest men by keeping a few pigs. Wherever a colony of these Chinese are found, the place is certain to swarm with loose and troublesome idlers, who form the recruits of the gangs of dacoits.

In no single instance, I believe, does any Chinaman in the district cultivate the ground, or lead a thoroughly honest life. The Police and Magistracy are bound to deal with the bad characters as they find them; and it may be safely believed that, with careful officers, the persons bound down to good behaviour will be found not to merit any sympathy, even though the order end in imprisonment, which, however, it seldom does for any length of time.

Term of probation for bad characters.

40. I have pointed out that a too indiscriminate application of the law will only postpone the evil, and may lead to embarrassment by the simultaneous release from jail of a large number of bad characters, who must be allowed some term of probation before they can be again called on for security.

Complaints dismissed without issue of process.

41. The number of complaints dismissed without issue of process by the Magistrates of the Towns of Moulmein and Akyab, and by those of the Prome District, was large. I requested the Sessions Judge to scrutinize those of the officers first mentioned.

Complaints dismissed without issue of process in Prome.

42. In the Prome District, 127 complaints were dismissed by Mr. Richardson, who disposes of the bulk of the criminal work at head-quarters. I have informed the Deputy Commissioner that Mr. Richardson appears to me to have more criminal work than he can deal with properly.

Detention of witnesses, average duration of trials, average number of adjournments.

43. The next table shows the detention of witnesses, the average duration of trials, and the average number of adjournments.

Division	Name of District.	Number of witnesses discharged after				Average duration of cases		Average number of adjournments		Amount paid to complainants and witnesses.		
		One day.	Two days	Three days.	More than three days	For previous year.	For year under review.	For previous year.	For year under review.	Rs.	A.	P.
Arakan.	Akyab	4,249	164	17	.	2·9	4·1	1·6	1·9	34	8	0
	Kyouk-hpyoo	2,670	188	17	12	3·5	2·	1·	1·			
	Sandoway	808	7	2		1·	1·37	1·	1·			
	Northern Arakan	71		..		4·	1·72		·18			
Pegu	Rangoon	4,804	873	140	50	5·	4·6	1·	1·8	344	12	0
	Thonkwa	3,433	194	30	18		2·		1·	59	2	0
	Bassein	6,937	334	45	6	3·	2·		1·	881	6	0
	Henzada ...	6,718	898	154	108	3·	3·		1·1	57	1	0
	Prome	6,183	605	125	81	3·62	2·51	1·18	1·2	64	8	0
	Thayetmyo .	4,778	395	62	33	6·75	3·	1·	2·	16	12	0
Tenasserim	Amherst	2,465	158	21	3	5·	4·	1·	1·			
	Shwe-gyeen .	2,787	286	18		2·3	4·	1·5	1 5	52	8	0
	Toungoo	1,206	33	12		2·3	2 48		1·	20	4	0
	Tavoy	985	79	3		4 09	4·3		1·			
	Mergui	766	40			3·	3·	2·	2·	112	0	0
	Salween											
	Moulmein	2,969	518	227	64	2·	5·	2·	1·5	105	8	0
	Total	51,609	4,772	873	375	3 39	3·06	1·39	1·26	1,751	8	0
	As compared with 1874	49,734	5,023	1,328	455	...						

Although the number of cases tried was fewer, more witnesses were examined than in the preceding year. Of 51,609, 6,020, or over 11 per cent., were detained for two or more days—the remainder, or 88½ per cent., being dismissed on the day of their arrival in Court. This is an improvement on last year, when only 86 per cent. of the whole number were discharged on the first day.

This result is not altogether unsatisfactory; and if compensation be liberally paid, witnesses would not have much to complain of. It is impossible to regulate criminal work, so that every witness shall be examined on the day that he arrives in Court, and undue pressure to secure this result may lead to incorrect returns.

In some districts, however, the detention is still too great: in Rangoon it is enormous, nearly 24 per cent. of the witnesses having been detained for more than one day. I quote the Deputy Commissioner's explanation, that he may speak for himself:—

The detention of witnesses is, on the whole, not good. It is worst in the Angyee Township. In Syriam, in the Court of the Extra Assistant Commissioner, and in Pegu, in the Court of the Extra Assistant Commissioner, the detention is longer than it should be.

In Pegu, in the Court of the Assistant Commissioner, the detention of witnesses is long, and is in no way accounted for. The Court of the District Magistrate does not show satisfactorily on this point.

In the Court of the Assistant Magistrate of Syriam the result is most creditable. The presiding officer, Lieutenant Parrott, is distinguished for his diligence and promptitude. Considering the large number of witnesses before the Court of Assistant Commissioner, Rangoon, the result in that Court is very creditable.

The remarks made regarding detention of witnesses on the Civil side will, *mutatis mutandis*, be applicable here.

Not one of the presiding officers of the Courts where the longest detention is shown can be accused of dilatoriness or want of industry. Work is increasing year by year in every branch, Judicial and Executive, and, as long as Magistrates are overburdened with work, better results cannot be expected.

The over-detention of witnesses is unquestionably most damaging to a successful criminal administration, for many well-known reasons, but unfortunately it cannot always be avoided.

The Magistrates of the lower grades are most chary about paying the expenses of witnesses; and hitherto the Assistant Commissioners never paid any, owing to the additional work it threw on them *personally*, as they were obliged to write out long certificates and keep somewhat complicated accounts. In the present year some improvement has been made. Printed certificates have been issued, and witnesses will now be paid more frequently than before.

The efficiency of the Courts of the Assistant Commissioners in the interior has been in many ways seriously affected by the fact of their not being allowed an English writer even of the humblest attainments.

In Thayetmyo, Prome, and Henzada, the unfavourable results are due to the Courts of Messrs. Burgess, Richardson, and Brown, and in all these cases I have suggested that the officers should be relieved of a portion of their criminal work.

Average duration of cases for the province of British Burma.

44. The average duration of cases for the province—*viz.*, three days—is good, and in no district is it excessive.

Compensation to complainants and witnesses.

45. The rules for payment of compensation to complainants and witnesses, though circulated in March 1874, were little acted on, except in the Bassein District, where they were liberally put in force. I called attention to them by a printed circular, the effect of which was felt towards the close of the year.

Appeals from Subordinate Magistrates, and mode in which decided.

46. In the subjoined table is shown the number of appeals from Subordinate Magistrates, and the mode in which they were decided by the Magistrate of the District or other officer empowered to hear appeals.

Division.	Name of District.	Name and designation of Magistrate from whose decision appeal was preferred.	Number of persons convicted by him.	Number of persons who appealed.	No. of persons in whose cases			Per-centage of reversals to convictions.	Number of cases examined by Deputy Commissioner.
					Sentence was confirmed or appeal rejected.	Sentence was modified. Enhanced.	Sentence was modified. Reduced.	Sentence reversed or proceedings quashed.	
Arakan.	Akyab	Moung Hla Gyaw Oo, Magistrate of the 3rd class	156	3	.....	... ...	1	2	1·2 12
		Mra Tha Doon, ditto 2nd class	136	1	.....	... ...	...	1	0·7 13
		Tsan Hla Baw, ditto ditto	156	3	1	... ...	2	...	... 12
		Shwe Bwin, ditto ditto	67	5	4	... ...	...	1	1·7 12
		Raiphaw Thoo, ditto ditto	103	4	1	... ...	...	3	2·9 14
		Shwe Taw, ditto 3rd class	74	.....	.....	... ...	...	1	... 10
		Mra Tha Doon, ditto 2nd class	30	1	.....	... ...	...	...	3·3 4
		Htoon Oo, ditto ditto	131	.....	.....	... ...	...	1	... 8
		Mr. L. Gordon ditto ditto	16	9	5	... ...	...	4	25· 4
	Kyouk-hpyoo	Moung Shwe Dike Kay, ditto ditto	153	39	22	... ...	6	11	7·1 6
		Shwe Boo, ditto ditto	124	1	.....	... ...	...	1	·8 4
		Hla Htoon Oung ditto ditto	224	11	2	3 ...	1	5	2·1 5
		Htoon Aye, ditto ditto	53	3	1	... ...	...	2	2·4 4
		Tsaw Hla Phroo ditto 2nd class	64	3	2	... ...	1	.....	... 4
	Sandoway	Shwe Dseng, ditto ditto	39	3	.....	... ...	1	1	2·5 22
		Kyouk Khai, ditto ditto	9	1	.....	... ...	...	1	11·1 6
		Pha Phroo, ditto 2nd class	61	6	4	... ...	...	2	3·2 16
		Tsan Oo, ditto ditto	33	2	2	... ...	...	.....	... 18
	Northern Arakan,	Nga Bonkay, ditto 3rd class	16	.....	.....	... ...	...	.....	... ...
Pegu.	Rangoon	Bah Too, ditto ditto	70	1	1	... ...	...	.....	... ...
		Gyee, ditto 2nd class	112	3	1	... ...	2	.....	... ...
		Bah Gyaw, ditto ditto	149	4	.....	... ...	1	3	2· ...
		Shwe Kyee, ditto ditto	257	3	.....	... ...	2	1	·4 ...
		Shwe Pay, ditto ditto	164	1	1	... ...	...	...	... ...
		Shwe Zin, ditto ditto	164	1	1	... ...	...	...	6 ...
		Wyke, ditto ditto	187	4	2	... ...	...	3	... ...
		Hpo, Lieutenant B. A. N. Parrott, 1st class	2	2	.....	... ...	.....	.....	... ...

DIVISION	NAME OF DISTRICT	NAME AND DESIGNATION OF MAGISTRATE FROM WHOSE DECISION APPEAL WAS PREFERRED	Number of persons convicted by him	Number of persons who appealed.	NUMBER OF PERSONS IN WHOSE CASES				Number of cases examined by Deputy Commissioner
					Sentence was confirmed or appeal rejected	Sentence was modified		Sentence reversed or proceedings quashed	
						Enhanced	Reduced		
Pegu—(concluded)	Thonkwa	Moung Shwe Att, Magistrate of the 1st class	216	4			2	2	6
		,, Shwe Zin, ditto ditto							
		,, Shwe Yoh, ditto 3rd class							
		,, Gyee, ditto ditto							
		,, Shwe Myat, ditto 2nd class	150	3			1	3	4
		,, Shwe Thee, ditto ditto							3
		,, Htoon Oung, ditto 3rd class	169	3			1	2	5
		,, Gyee, ditto 2nd class	81						3
		Mr R McLeod, ditto ditto	217						
		,, A L Hough, ditto ditto							23
		Moung Kya, ditto 3rd class	133	3	1			3	13
		,, Bye, ditto ditto	279		1			1	
	Bassein	,, Shwe Wyat, ditto 2nd class	60	2				7	13
		,, Loo Gyee, ditto ditto	82	10	1		3		17
		,, Koo, ditto ditto	151	1	1			3	24
		,, Yoh, ditto ditto	191	7	4			1	21
		,, Shwe Tsee, ditto ditto	113	4	3				16
		,, An, ditto ditto	160						9
		,, Ba Gyaw, ditto 3rdclass	146	16	1			4	18
		,, Shwe Att, ditto 2nd class	230	2	2				17
		,, Min Gyaw, ditto ditto	119	6	3			3	7
		,, Goon ditto ditto	969	1	1				8
	Henzada	,, Phan, ditto ditto	969				13		9
		,, Pho Kaw, ditto ditto	108	13					6
		,, Pho Han, ditto 3rd class	66						8
		,, Myeit ditto 2nd class	67	3				1	8
		Mr Birks	51		2				8
		Moung Hmat, ditto 2nd class	314	3	1			1	8
		,, Gyee, ditto 3rd class	89	2	1			1	8
		,, Hpoo, ditto ditto	139	1	1			1	9
		,, Oh, ditto ditto	95	1					8
	Prome	,, Tsan Nan ditto ditto	193	1	1			5	8
		,, Kyau Zan Hla, ditto 2nd class	11	5					2
		Mr F S Copleston, ditto ditto	96						

TENASSERIM.	Thayetmyo	Moung Tet Hpo,	ditto	3rd class	314	3	..	...	1	2	·5	45
		„ Louk,	ditto	ditto	135	12	4	1	4	3	2·2	44
		„ Tetto,	ditto	ditto	228	5	4	...	1	...	...	26
		„ Tsouk,	ditto	2nd class	111	19	5	...	...	14	12·6	31
		Major Tyndale,	ditto	ditto	120	4	..	...	.	...	...	17
	Amherst	Moung Wet Galay,	ditto	3rd class	123	4	1	...	..	3	2·4	6
		„ Myat Meng,	ditto	ditto	105	4	...	...	1	3	2·8	4
		„ Tsoung,	ditto	2nd class	88	...	4	...	..	.	...	8
		„ Chaik,	ditto	ditto	45	...	...	...	...	...	...	5
		„ Oh,	ditto	ditto	18	...	...	...	...	..	...	2
		„ Oang,	ditto	ditto	106	...	...	...	.	..	..	4
		„ Htoon Gyaw,	ditto	3rd class	47	...	...	...	...	..	.	4
		„ Pai Hlaw,	ditto	ditto	43	...	...	...	...	...	. .	4
	Amherst	Moung Oh	ditto	ditto	21	..	..	...	...	...	...	3
		„ Shwe Gyoke,	ditto	ditto	26	...	...	...	...	...	...	2
		„ Shwe Ngoung	ditto	ditto	21	...	...	...	...	...	...	2
		Mr. M. J. Slym	ditto	ditto	18	...	...	...	...	...	...	11
	Shwe-gyeen	Moung Shwe Go	ditto	2nd class	103	3	1	..	..	...	..	9
		„ Taw	ditto	ditto	48	8	5	..	3	...	...	6
		„ Tha Nyo	ditto	ditto	147	5	3	...	2	...	...	10
		„ Hmat	ditto	ditto	84	8	2	...	1	5	5·9	8
		„ Hpo	ditto	ditto	138	15	2	..	6	7	5·	11
		Mr. G E. Barr	ditto	3rd class	134	17	3	..	4	10	7·4	9
		Lieutenant T. M. Jenkins „		2nd class	144	7	3	...	4	...	...	11
	Toungoo	Assistant Magistrate	ditto	ditto	120	2	...	...	1	1	·8	10
		Moung Hline	ditto	ditto	213	2	...	...	2	...	...	13
		„ Gwen	ditto	ditto	20	1	...	...	.	1	5·	9
		„ Tsan Wah	ditto	ditto	28	1	...	...	..	1	3·5	9
		„ Shwe Att	ditto	ditto	15	...	...	...	...	...	...	9
		Major G. Heath	ditto	ditto	104	...	...	...	..	...	..	
		Moung Dway	ditto	3rd class	4	...	..	...	...	...	..	6
	Tavoy	„ Shwe Hlaing	ditto	2nd class	110	7	3	...	...	4	3·6	27
		„ Phaw	ditto	ditto	45	4	2	...	...	2	4·4	9
		„ Phet	ditto	3rd class	46	...	...	...	...	..	..	14
		„ Shwe Boo	ditto	ditto	45	2	2	...	...	...	...	6
		„ „ Att	ditto	ditto	60	1	1	...	...	...	...	10
	Mergui	Mr. A. L. Hough	ditto	ditto	8	2	1	...	...	1	12·5	1
		Moung Myat Htoo	ditto	ditto	43	...	...	...	...	...	...	7
		„ Tha Noh	ditto	ditto	4	...	...	...	...	...	...	
		„ Htoon Oung	ditto	ditto	14	..	..	...	...	...	...	2
		„ Shwe Baw	ditto	2nd class	15	...	...	...	...	...	..	1
				Total	10,301	331	121	5	67	136	1·32	867

The number of appeals from subordinate Magistrates is little over three per cent. of the persons convicted by them—a result which speaks well for the substantial justice administered by these Courts. The Deputy Commissioner of Henzada observes on this point, "though a Burman will submit without a murmur to punishment which he knows he has deserved, though the legal and technical proof of his guilt which we require may be deficient, he will nevertheless very frequently spare no effort to procure the reversal of a decision which appears to him unjust, and will travel long distances and incur considerable expense to set aside an order fining him even five Rupees."

No appeals were brought from the decisions of the following Magistrates :—

Districts	Name of Magistrates	Township
Akyab	Moung Shwe Taw	Oorcetoung West
	„ Htoon Oo	Naaf
Northern Arakan	„ Nga Boukay	Hill Tracts
Thonkwa	Mr R McLeod	Pantanau
Bassein	Moung Bya	Yangyee
	„ An	Kyoonpyau
Henzada	„ Pho Han	Tahpoon
	„ Myeit	Mongyee
Prome	„ Kyau Zan Hla	Prome
	Mr F S Copleston, C S	
Thayetmyo	Major Tyndall, Cantonment Magistrate	
Amherst	Moung Chalk	Amherst
	„ Oh	Kaukareit
	„ Oang	Beeloogyoon
	„ Htoon Gyaw	Thatone
	„ Pai Hlaw	Yea Lamyne
	„ Oh	Hlinebway
	„ Shwe Gyoke	Gyne Attaran
	„ Shwe Ngong	Hpagat
	Mr M J Slym	
Toungoo	Moung Shwe Att	Thagara
	Major G Heath, Cantonment Magistrate	
	Moung Dway	Kyathoung doung
Tavoy	„ Phet	
Mergui	„ Myat Htoo	Palaw
	„ Tha Noh	Lenya
	„ Htoon Oung	Tenasserim
	„ Shwe Baw	Malewoon

The sentences passed were enhanced in cases of five persons.

Work of Courts of Session.

47. The work of the Courts of Session is shown below :—

Division.	Designation of Judge	Number of persons brought to trial, including cases pending from last year.	Number of persons acquitted.	Number of persons convicted.	Number of capital sentences referred for confirmation by Judicial Commissioner or Special Court.	Average duration of trials	Number of persons whose cases were left undisposed of at the end of year.	Number of persons whose cases have been pending for more than three months from date of commitment.	Number of cases in which Judge agreed with Assessors	Number of cases in which Judge disagreed with Assessors
Arakan	Commissioner and Sessions Judge	29	5	21*	3	38·	2		13	2
Pegu	Commissioner and Sessions Judge	118†	29	83	18‡	55·	5	1	35	29
Tenasserim	Commissioner and Sessions Judge	37	14	22	0	49	1		18	7
	Judge of the Town of Moulmein	20	5	14	2	9	1			
	Judicial Commissioner	8	2	2	1	40	4		2	1
	Total	212	55	142§	33	38·	13	1	68	39
	As compared with 1874	194	48	120	22	36·	12	2	55	31

* One person was brought to trial in two cases which the Sessions Judge tried together.

† One died in jail at Prome.

‡ One capital sentence was referred in January 1876.

§ Capital sentences are included here.

As in previous years the largest number of cases came before the Commissioner of Pegu. Under Section 36 of the Burma Courts' Act, the Criminal jurisdiction of that Officer in respect of Sessions trials and appeals in the districts of Rangoon, Bassein, and Thonkwa was transferred to the Judicial Commissioner from the 1st November 1875. The late period of the year at which the transfer was made gave no great relief to the Commissioner in the year under report.

Two hundred and twelve persons were brought to trial before the Courts of Sessions against 194 in 1874; of these 55 were acquitted, and 142 convicted.

Thirty-two capital sentences were referred for confirmation to the Judicial Commissioner, and one passed by the Judicial Commissioner in exercise of transferred jurisdiction to the Special Court.

48. There was only one person whose case had been pending more than three months from the date of commitment—an insane prisoner, who was unfit to stand his trial.

49. In about 63 per cent. of the cases tried, the Judge agreed with the assessors. Colonel David Brown makes the following observations on this subject, in the correctness of which my short experience of the province has led me fully to believe:—

> The assessors are of little assistance to the Sessions Judge in cases of murder: they invariably acquit; they think more of the load that, according to the Buddhist scriptures, will come upon them by pronouncing a fellow-being guilty of murder, and thereby being a party to his death, than they do of his guilt or innocence. They invariably show that they lean towards the accused in the hope of getting him acquitted.

50. The various punishments inflicted by Courts of Sessions were as follow:—

Division.	Designation of Judge	Persons sentenced to									Amount of fine		
		Death	Transportation		Imprisonment				Solitary confinement	Fine	Whipping	Imposed.	Realized
			For life	For term	Rigorous		Simple.						Awarded as compensation
					Over seven years	Seven years and under	Over seven years	Seven years and under.					
Arakan	Commissioner and Sessions Judge	3	10		4	4							
Pegu	Commissioner and Sessions Judge	16	22		11	31		1		4		2,360	
Tenasserim	Commissioner and Sessions Judge	9	5			8							
	Judge of the Town of Moulmein	2	3			9							
	Judicial Commissioner	14	–			1							
	Total	33	40		15	53		1		4		2,360	
	As compared with 1874	22	28		17	63		1		2		1,050	

* In addition to imprisonment
† This sentence was referred to, and confirmed by, the Special Court

Result of appeals from Magistrates to Courts of Session

51. The result of appeals from Magistrates to the Courts of Sessions was as follows :—

Division	Name of Magistrate from whose decision the appeal was preferred		Number of persons convicted by him in appealable cases	Number of persons who appealed	Number of persons whose sentences were confirmed or appeals rejected	Number of persons whose sentences were		Number of persons whose sentences were reversed or proceedings quashed
						Enhanced	Reduced	
Arakan	Colonel H N Davies, Magistrate of the District,	Akyab	26	4	3			
	Mr J K Macrae Town Magistrate,		194	13	10		2	1
	Captain C H A Gower, Magistrate of the District,	Kyouk hpyoo,	15	2			2	
	Major W W Pemberton, Magistrate of the District		12	2	1		1	
	Major G E Fryer, Magistrate of the District,	Sandoway	16	1	1			
	Captain C H A Gower, Magistrate of the District,		15	6	5			1
	Captain R R Spearman, Magistrate of the District,		8	1				1
Pegu	Major C W Street, Magistrate of the District,	Rangoon	8	3	2		1	
	Mr S 1 A Smith, Officiating Magistrate of the District,		9	7	6		1	
	Mr A Hough, Magistrate of the District,		6	3	2		1	
	Mr W deCourcy Ireland Deputy Commissioner,		68	10	8			
	Mr A Hough, Magistrate, 1st class		10	3	2			1
	Lieutenant B A N Parrott, Magistrate, 1st class,		24	2			2	
	Mr C J A Duke Magistrate, 1st class,		30	18	15		1	2
	Lieutenant B A N Parrott, Magistrate 1st class (Syriam)		18	16	6			3
	Lieutenant J Butler, Magistrate, 1st class,		3	9	2			7
	Lieutenant F D Raikes, Magistrate, 1st class,		116	15	12	1		1
	Mr S F A Smith, Deputy Commissioner,	Thonkwa	66	25	13		5	3
	Lieutenant B A N Parrott Assistant Commissioner (Ma-oo bin)		25	11	9			2
	Mr A C Bainbridge, Assistant Commissioner (Ma oo bin)		20	6		1	1	4
	Lieutenant B A N Parrott, Assistant Commissioner (Yandoon)		12	3	3			
	Mr A C Bainbridge, Assistant Commissioner (Yandoon)		14					
	Mr C J A Duke, Assistant Commissioner (Yandoon)		11	3				2
	Lieutenant F D Raikes, Assistant Commissioner (Yandoon)							
	Lieutenant A R Birks Assistant Commissioner (Donabyoo)		14	2	1			
	Mr R F St A St John, Deputy Commissioner	Bassein	79	27	19		2	2
	Mr G L Woidemann, Assistant Commissioner,		72	47	38		2	7
	Lieutenant C A Cresswell, Assistant Commissioner,		111	41	34		1	
	Mr C J A Duke, Assistant Commissioner,		2					
	Mr H L St Barbe, Assistant Commissioner,		2					

Division.	Name of Magistrate from whose decision the appeal was preferred		Number of persons convicted by him in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected.	Number of persons whose sentences were modified: Enhanced.	Number of persons whose sentences were modified: Reduced.	Number of persons whose sentences were reversed or proceedings quashed.
Pegu—(*continued*).	Mr. W. deCourcy Ireland, Deputy Commissioner,	Henzada	56	26	26			
	Lieutenant-Colonel A. G. Duff, ditto ditto		31	10	8		1	..
	Captain C. O'L. L. Prendergast, Magistrate, 1st class		92	8	3		5	..
	Captain M. C. Poole, ditto ditto		123	7	5			..
	Captain G. Alexander, ditto ditto			1	1			..
	Mr. A. O. Brown, ditto ditto		207	23	20		1	1
	Lieutenant-Colonel A. R. McMahon, Deputy Commissioner,	Prome	74	35	33		2	
	Mr. W. C. Midwinter, Officiating Deputy Commissioner,		10	2	2			
	Mr. E. Richardson, Extra Assistant Commissioner,		109	28	25			
	Mr. F.S.Copleston, Asst. Commissioner		14	7	4			
	Mr. W. C. Midwinter, ditto		139	21	20			1
	Mr. F. S. Copleston, ditto (Poungday)		41	1				
	Major W. C Plant, Deputy Commissioner,	Thayetmyo	33	13	9		2	2
	Mr R. A. D. Perreau, Assistant Commissioner,		39	17	10		3	1
	Mr. G. D. Burgess, ditto ditto		143	50	39		1	10
Tenasserim.	Lieutenant-Colonel E. B. Sladen, Deputy Commissioner,	Amherst	36	4			1	3
	Mr. K. G. Burne, Magistrate, 1st class		127	14	4		8	2
	Mr. J. C Davis, ditto ditto		227	4	1		1	2
	Mr. C. J. F. S. Forbes, Magistrate of the District,	Shwe-gyeen	210	12	10		2	
	Mr R. H. Pilcher, Magistrate, 1st class		144	5	3		1	1
	Lieutenant T. M. Jenkins, Magistrate, 2nd class,							
	Mr. R. H Pilcher, Magistrate, 1st class	Toungoo	120	4	2			2
	Colonel E. J. Spilsbury, Magistrate of the District,	Tavoy	84	5	2		1	2
	Lieutenant-Colonel W Munro, Magistrate of the District,	Mergui	54	3	2			1
	Mr. A. H. Hildebrand, Magistrate of the District.	Salween	18	1			1	
	Captain M. Furlong, Town Magistrate	Moulmein	60	3	3			
		Total	3,107	590	424	2	52	72

Messrs. Midwinter, Brown, Crosswell, Weidemann, Parrott, and Raikes, Assistant Commissioners, and Mr. Richardson, Senior Extra Assistant Commissioner, show each a large proportion of sentences confirmed.

Work of Appellate Courts

52. The work of the Appellate Courts is shown in the subjoined table :—

Division	Designation of Tribunal and name of Judge or Magistrate		Number of appeals preferred, including those pending from previous year	Number decided	Number returned for further enquiry	Average duration of appeal	Number left pending at close of year	Of these, pending for more than six weeks
Arakan.	Colonel H N Davies, Deputy Commissioner, Akyab		14	13	1	5		
	Captain C H A Gower, Officiating Deputy Commissioner,	Kyouk hpyoo	14	14		6		
	Major W W Pemberton, Officiating Deputy Commissioner,	Kyouk hpyoo	25	25		7		
	Major G E Fryer, Deputy Commissioner,	Sandoway	4	4		2		
	Mr C J A Duke, Officiating Deputy Commissioner	Sandoway	2	2		5		
	Captain C H A Gower, Officiating Deputy Commissioner,	Sandoway	3	3		4		
	Colonel E M Ryan, Commissioner and Sessions Judge		26	25	1	9		
Pegu	Major C W Street Deputy Commissioner,	Rangoon	16	16		15		
	Mr S F A Smith Officiating Deputy Commissioner	Rangoon						
	Mr W deCourcy Ireland, Deputy Commissioner	Rangoon						
	Mr S F A Smith, Officiating Deputy Commissioner,	Thonkwa	29	29		8		
	Mr R F St A St John, Deputy Commissioner,	Bassein	21	20		10	1	
	Mr W deCourcy Ireland, Deputy Commissioner,	Henzada	16	16		11		
	Lieutenant Colonel A G Duff, Deputy Commissioner,	Henzada						
	Lieutenant Colonel A R McMahon, Deputy Commissioner,	Prome	6	6		4		
	Major C Plant, Officiating Deputy Commissioner	Thayetmyo	24	24		1		
	Colonel R D Ardagh, Commissioner and Sessions Judge		337	318		16	19	
	Mr J W Quinton, Judicial Commissioner as Court of Sessions		25	14		20	11	
Tenasserim	Lieutenant-Colonel E B Sladen, Magistrate of the District	Amherst	7	7		20		
	Mr C J F S Forbes, Magistrate of the District	Shwe gyeen	40	39		4	1	
	Major M Lloyd Magistrate of the District	Toungoo	6	6		2 16		
	Colonel E J Spilsbury, Magistrate of the District	Tavoy	13	13		5		
	Lieutenant Colonel W Munro Magistrate of the District	Mergui	3	3		5		
	Mr A H Hildebrand, Magistrate of the District	Salween						
	Colonel D Brown Commissioner and Sessions Judge		41	40		28	1	
	Mr D G Macleod Sessions Judge		17	17		2		
		Total	689	654	2	9	33	

Here again the Commissioner of Pegu heads the list: 337, out of 689 in the province having been filed in his Court.

The highest average durations was in the Court of the Deputy Commissioner, Amherst. No appeal was pending more than three months.

Financial result of rules regulating fees chargeable for service of processes, &c

53. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table :—

Division	Name of District	RECEIPTS — Fees realized on account of: Summons on witness — Number of processes	Summons on witness — Amount of fees	Summons on accused person — Number of processes	Summons on accused person — Amount of fees	Warrant of arrest — Number of processes	Warrant of arrest — Amount of fees	Notice, proclamation, or other order — Number of processes	Notice, proclamation, or other order — Amount of fees	Total — Number of processes	Total — Amount of fees
			Rs A P		Rs A. P		Rs A P		Rs. A. P		Rs A P
Arakan	Akyab	2,456	2,228 0 0	1,306	1,306 0 0	119	234 0 0	6	6 0 0	3,897	2,774 0 0
	Kyouk kpyoo	1,435	617 8 0	514	514 0 0	76	153 0 0	1	1 0 0	2,026	1,284 8 0
	Sandoway	443	221 8 0	143	143 0 0	52	104 0 0			638	468 8 0
Pegu	Rangoon	1,350	657 0 0	732	733 0 0	165	330 0 0	7	7 0 0	2,954	1,736 0 0
	Thonkwa	942	471 0 0	572	573 0 0	37	74 0 0	1	2 0 0	1,552	1,119 0 0
	Bassein	1,452	726 0 0	603	603 0 0	137	274 0 0	20	20 0 0	2,212	1,623 0 0
	Henzada	1,593	796 8 0	634	634 0 0	58	116 0 0	8	8 0 0	2,293	1,754 8 0
	Prome	1,979	973 8 0	842	842 0 0	135	296 0 0	11	10 0 0	2,967	2,111 8 0
	Thayetmyo	1,298	646 8 0	979	979 0 0	190	244 0 0	4	3 0 0	1,796	1,272 8 0
Tenasserim	Amherst	1,921	560 8 0	547	547 0 0	54	108 0 0	37	37 0 0	1,759	1,253 8 0
	Shwe-gyeen	909	454 8 0	394	394 0 0	25	50 0 0	1	1 0 0	1,329	899 8 0
	Toungoo	641	316 0 0	386	386 0 0	23	46 0 0	10	10 0 0	1,060	758 0 0
	Tavoy	478	239 0 0	243	243 8 0	5	10 0 0	1	1 0 0	728	493 8 0
	Mergui	413	206 8 0	244	105 0 0	78	156 0 0			536	467 8 0
	Salween										
	Moulmein	1,356	678 0 0	859	859 0 0	139	278 0 0	17	17 0 0	2,371	1,832 0 0
	TOTAL	17,861	8,792 0 0	8,460	8,459 8 0	23	2,462 0 0	124	123 0 0	27,668	19,636 8 0

Division	Name of District	Charges on account of: Fixed establishment of peons	Additional peons	Boat or conveyance hire	Stationery	Budges of peons	Other contingencies	Total
		Rs A P	Rs. A P	Rs A P	Rs. A P	Rs A P	Rs A. P	Rs A P
Arakan	Akyab	2,611 12 4		90 8 0			22 0 0	2,724 4 4
	Kyouk-hpyoo	1,015 0 0	3 0 0	52 14 3			4 0 0	1,074 14 3
	Sandoway	297 0 0						297 0 0
Pegu	Rangoon	1,716 0 9	1 0 0	4 0 0				1,721 0 0
	Thonkwa	1,904 6 9					105 0 0	2,009 6 9
	Bassein	2,107 8 0	42 8 0	4 12 0			–	2,154 12 0
	Henzada	1,833 0 0	10 0 0					1,843 0 0
	Prome	2,232 0 0						2,232 0 0
	Thayetmyo	1,392 0 0						1,392 0 0
Tenasserim	Amherst	1,128 13 6		50 0 0				1,178 13 6
	Shwe-gyeen	397 8 0		5 2 0		5 12 0		408 6 0
	Toungoo	276 0 0						276 0 0
	Tavoy	316 10 0						316 10 0
	Mergui	396 0 0		31 4 0				427 4 0
	Salween							
	Moulmein	1,572 0 0						1,572 0 0
	Total	19,195 10 7	56 8 0	238 8 3		5 12 0	131 0 0	19,627 6 10

The effect of the issue of the orders referred to in paragraph 43 of last year's report has been to convert the deficit into a surplus of Rs. 109-1-2.

Work of the Court of the Judicial Commissioner

54. In the subjoined table is shown the work of the Court of the Judicial Commissioner as a Court of Appeal.

Division	Designation of Tribunal and Name of Deputy Commissioner or Sessions Judge	Number of appellants	Number of persons whose appeals were rejected	Sentence				
				Confirmed	Modified		Reversed	Pending
					Enhanced	Reduced		
Arakan	Colonel H N Davies, Deputy Commissioner, Akyab	1		1				
	Captain C H A Gower, ditto ditto Kyoukhpyoo	3		1			2	
	Colonel E M Ryan, Commissioner and Sessions Judge,	17		11		3	2	1
Pegu	Major C W Street, Deputy Commissioner, Rangoon	1		1				
	Mr W deCourcy Ireland, ditto ditto	3		3				
	„ S F A Smith, ditto Thonkwa	1		1				
	„ R F St A St John, ditto Bassein	12	1	8		1	2	
	„ W deCourcy Ireland, ditto Henzada	11		9	1		1	
	Lieut Colonel A R McMahon, ditto Prome	0		6			3	
	Colonel R D Ardagh, Commissioner and Sessions Judge	50		37		4	7	2
Tenasserim	Lieut-Colonel E B Sladen, Deputy Commissioner, Amherst	1		1				
	Mr C J F S Forbes, ditto ditto Shwegyeen	4		1			3	
	Colonel E J Spilsbury, ditto ditto Tavoy	1						1
	Colonel W Munro, ditto ditto Mergui	1				1		
	Colonel D Brown, Commissioner and Sessions Judge	15		8		6		1
	Mr D G Macleod, Sessions Judge, Moulmein	6		6				
	Total	136	1	94	1	15	20	5

The number of appellants was 136, being 21 more than last year. The sentence passed on one person was enhanced. Ninety-four persons, or nearly 72 per cent., of the number of appellants whose cases were heard failed to obtain any alteration of the sentence.

55. The work of the Judicial Commissioner's Court as a court of revision is shown in the next table.

Division.	Designation of Tribunal, and Name of Deputy Commissioner or Sessions Judge.					Number of persons whose cases were called for.	Sentence.				Pending.	Remarks.
							Confirmed.	Modified.		Reversed.		
								Enhanced.	Reduced.			
Arakan.	Mr. J. K. Macrae, Town Magistrate				...	11	6	...	..	5		
	„ L. Gordon, Assistant Commissioner				...	2	..	...	...	..	2	
	Moung Hla Gyaw Oo, Extra Assistant Commissioner, Ooreetoung East				...	2	...	...	...	2	..	
	„ Shwe Taw	ditto	ditto	Ooreetoung West	Akyab District.	2	2	...	...	.	...	
	„ Tsan Hla Baw,	ditto	ditto	Myohoung		6	..	...	...	6	..	
	„ Mra Tha Doon,	ditto	ditto	Menbya		15	...	...	...	15	...	
	„ Raiphaw Thoo,	ditto	ditto	Rathaidoung		1	...	...	...	1	...	
	„ Shwe Bwin,	ditto	ditto	Koladan		1	...	...	...	1	...	
	„ Shwe Dike Kay,	ditto	ditto	Kyouk-hpyoo	Kyouk-hpyoo District.	7	7	...	..	..	...	
	„ Hlai Htoon Oung,	ditto	ditto	Ramree		2	1	...	...	...	1	
	„ Htoon Aye,	ditto	ditto	Myaibon		4	4	...	...	..	...	
	„ Tsaw Hla Phroo,	ditto	ditto	An		2	...	...	...	2	...	
	„ Kyouk Khai,	ditto	ditto	Sandoway	Sandoway District.	2	...	...	...	2	...	
	„ Shwe Dzin,	ditto	ditto	Toungoop		1	..	...	...	1	...	
	Captain C. H. A. Gower, Officiating Deputy Commissioner					4	1	...	1	2	...	
	Colonel E. M. Ryan, Commissioner and Sessions Judge					4	2	1	1	...	...	
Pegu.	Moung Bah Too, Extra Assistant Commissioner, Hline				Rangoon District.	1	1	..		...	...	
	„ Gyee,	ditto	ditto	Syriam		2	2	...	.	...	...	
	Mr. A. Hough, Assistant Commissioner					1		...	1	...	...	
	Moung Bya, Extra Assistant Commissioner, Shwe-loung				Thonkwa ...	29	29	.	...	.	...	
	Mr. R. McLeod,	ditto	ditto	Pantanau		2	1	.	...	1	..	
	Moung Kya,	ditto	ditto	Myoung-mya	Bassein District.	7	3	2	...	2	...	
	„ Shwe Myet,	ditto	ditto	Yaigyee		11	10	.	1	..	...	
	„ Shwe Tsee,	ditto	ditto	Laymyethna		11	1	..	2	8	..	
	„ Shwe Tsee,	ditto	ditto	Thaboung		1	1	..	...	..	..	
	„ Yah,	ditto	ditto	ditto		10	2	...	...	8	..	
	„ An,	ditto	ditto	Kyoonpyaw		13	.	...	...	13	...	
	Mr. G. L. Weidemann, Assistant Commissioner					4	4	...	..	...	...	
	Lieutenant C. A. Cresswell,		ditto			4	4	...	...	.	...	
	Mr. R. F. St. A. St. John, Deputy Commissioner					1	1	.	...	..	..	

Moung Myat, Extra Assistant Commissioner, Mengyee ...	Henzada District.	1	1	...	..	...	...
" Goon, ditto ditto Tsanyuay ..		9	6	..	...	3	..
" Hpan, ditto ditto Kyangheen ...		1	1	...	...	..	.
" Hpo Kaw, ditto ditto Zaloon ...		1	1	...	...	..	.
" Poo, ditto ditto Monio ...		1	.	...	...	1	..
" Bah Gyaw, ditto ditto Kanoung ...		6	6	...	...	...	..
Mr. A. O. Brown, Assistant Commissioner		8	6	...	2	.	...
Captain M. C. Poole, ditto		2	2	...	..	..	.
" C. O'L. L. Prendergast, ditto		5	3	...	1	1	..
Mr. W. deCourcy Ireland, Deputy Commissioner		1	1	...	..	...	..
Moung Shwe Oh, Extra Assistant Commissioner, Shwelay ...	Prome District.	2	...	...	..	3	..
" Poo, ditto ditto Poungday ...		4	..	...	.	4	..
" Hmai, ditto ditto Shwedoung ..		2	2	...		...	...
Mr. W. C. Midwinter, Assistant Commissioner		2	1	...	..	1	...
Moung Tetto, Extra Assistant Commissioner, Thayetmyo ...	Thayetmyo District.	10	10	...	..	...	..
" Shwe Louk, ditto ditto Kama ..		2	...	...	.	..	2
Mr. R. A. D. Perreau, Assistant Commissioner		13	11	...	.	2	..
Ditto Cantonment Magistrate		1	...	..	.	1	...
" G. D. Burgess, Assistant Commissioner		13	7	3	..	3	...
Major W. C. Plant, Deputy Commissioner		6	4	..	1	1	...
Colonel R. D. Ardagh, Commissioner and Sessions Judge ...		8	7	1	..	..	...
TENASSERIM.							
Moung Myat Min, Extra Asst. Commissioner, Amherst ..	Amherst District.	4	2	...	2	.	...
" Shwe Ngone, ditto ditto Phagat .		1	1	...	..		...
" Oh, ditto ditto Kaukareit ..		2	...	...	...	2	...
" Tsoung, ditto ditto Zeah ..		2	1	...	...	1	...
" Oh, ditto ditto Hlinebway ...		2	1	...	...	1	...
" Wet Galay, ditto ditto Gyne Salween ..		1	...	...	...	1	...
" Htoon Gyaw, ditto ditto Thatone ..		22	...	...	...	.	...
Mr. J. Davis, Assistant Commissioner, ditto ..		3	3	...	...	...	...
Mr. K. G. Burne, ditto Moulmein ..		1	1	...	...	..	...
Moung Shwe Hmat, Extra Asst. Commissioner, Sittang ...	Shwe-gyeen District.	19	11	...	..	8	..
" Hpo, ditto ditto Shwe-gyeen ..		10	9	...	...	1	.
" Att, ditto ditto Beeling ...		4	4	...	...	..	.
Mr. C. J. F. S. Forbes, Deputy Commissioner		1	1	...	...	...	.
Moung Tsan Wah, Extra Asst. Commr. Zayawaddy ...	Toungoo District.	2	...	...	...	2	..
" Htine, ditto ditto Toungoo ...		4	2	...	2	...	...
" Gwen, ditto ditto Myoma ...		1	1	...	...	..	..
" Shwe Myah, ditto ditto Bombaddie ...		1	1	...	..	..	
" Shwe Att, ditto ditto Thagara ...		2	2	...	...	..	
" Baw Aye, ditto ditto Kyat-thoungdoung. ...		2	..	...	...	2	
Mr. H. L. St. Barbe, Assistant Commissioner		8	2	...	4	2	
Major M. B. Lloyd, Deputy Commissioner		1	1	...	..	.	
Moung Shwe Hlaing, Extra Assistant Commissioner, Tavoy ...	Tavoy District.	8	5	...	1	2	
" Hpet, ditto ditto ...		12	9	...	...	3	
" Hpaw, ditto ditto ...		14	...	...	...	14	..
" Shwe Boo, ditto ditto ..		10	...	...	.	10	
Colonel E. J. Spilsbury, Deputy Commissioner ..		11	5	...	...	2	4

Division	Designation of Tribunal, and Name of Deputy Commissioner or Sessions Judge				Number of persons whose cases were finally disposed of	Sentence					Remarks.
						Confirmed	Modified: Enhanced	Modified: Reduced	Reversed	Pending	
Tenasserim—(continued)	Moung Shwe Att, Extra Assistant Commissioner			Mergui	1	1				-	
	„ Myat Htoo,	ditto	ditto	Palaw	6	2			4		
	„ Tha Noh,	ditto	ditto	Lenya	1				1		
	„ Shwe Baw,	ditto	ditto	Malewoon	1	1					
	„ Shwe Naw,	ditto	ditto	Pahpoon	5					5	
	Mr A H Hildebrand, Assistant Commissioner				1	1					
	„ D G McLeod Judge of Moulmein				7	7					
	Captain M Furlong, Town Magistrate Moulmein				53	21			32		
	Colonel D Brown Commissioner and Sessions Judge			—	2	1			1		
				Total	487	269	7	19	178	14	

Number of cases called for by Judicial Commissioner.

56. The cases of 487 persons were called for by the Judicial Commissioner on review of the quarterly statements, or were submitted to him by Sessions Judges and Magistrates under Section 294 of the Code of Criminal Procedure. The number last year was only 193. I found it necessary to remind Sessions Judges and Magistrates of the importance of the duty imposed on them by law of calling for and examining the records of their Subordinate Courts, for the purpose of satisfying themselves of the legality of the sentences and orders passed by such Courts, and as to the regularity of their proceedings.

I also had reason to believe that instructions issued by Mr. Sandford on the subject of convictions for disobedience of orders were not attended to—hence the great increase in the number of cases which came before me as a Court of Revision.

Cases in which punishments were enhanced.

57. In cases of seven persons on whom inadequate sentences were passed, the punishment was enhanced. Four of these were cases of causing hurt or grievous hurt, one was of house-breaking, and in another a conviction for murder was substituted for one of culpable homicide not amounting to murder, and transportation for life for two years' imprisonment.

Excessive sentences reduced.

58. Nineteen excessive sentences were reduced, and in case of 178 persons the convictions were altogether set aside.

Native Magistrates realize with difficulty that disobedience to any order of a Government Officer, and the utterance of any insulting or abusive language, are not necessarily punishable under the Penal Code.

The convictions set aside were generally for offences under Sections 188, 294, and 504; and fresh instructions were issued calling attention to the conditions required to constitute the offences made penal by those sections.

59. Of 32 persons convicted by Captain Furlong whose sentences were reduced or reversed, the majority were convicted in cases of "illegal interruption," &c., and breaches of the Excise Act. In the former class of cases, the Magistrates dealt with offences not committed in his presence, and in the latter he adjudged the fine otherwise than on the information of the Collector or Excise Officer.

60. The subjoined table shows the work of the Court of the Judicial Commissioner as a Court of reference for the confirmation of capital sentences.

Name of Division.	Name of Sessions Judge.	Number of capital sentences referred for confirmation.	Number of capital sentences confirmed.	Number modified.	Number of persons acquitted.	Pending.	Remarks.
Arakan Division ...	Colonel E. M. Ryan, Commissioner and Sessions Judge	3	2	1	...	...	
Pegu Division ...	Colonel R. D. Ardagh, Commissioner and Sessions Judge	17	10	3	1	3	
Tenasserim Division	Colonel D. Brown, Commissioner and Sessions Judge	9	4	4	...	1	
	Mr. D. G. Macleod, Sessions Judge, Moulmein,	2	2	...	...	...	
	Total ...	31	18	8	1	4	

Thirty-one capital sentences were referred for confirmation, being eight more than in the preceding year.

In one case, a savage murder by dacoits in the Thonkwa District. I acquitted the accused, as the evidence did not appear to me to establish his guilt.

One pending case was remitted for further enquiry under Section 282, Criminal Procedure Code. Eighteen capital sentences were confirmed, and eight were modified.

61. The cases of 654 persons came before the Court of the Judicial Commissioner as a High Court, and of 30 persons before the Officiating Judicial Commissioner exercising jurisdiction under Section 36 of the Burma Courts' Act, No. XVII. of 1875, during the year. The numbers last year were 331.

General.

62. During the year under review, the Courts at the head-quarters of the districts of Rangoon, Henzada, Prome, Thayetmyo, Moulmein, Tavoy, and Mergui were inspected. Many also of the Burman Magistrates from the interior met the Officiating Judicial Commissioner on his visit to their capital stations, and brought their registers for examination.

The results of the inspection were generally communicated by letter through the Commissioners.

63. In addition to the subjects already referred to, instructions were issued, in continuation of previous orders, for the arrangement of records in Judicial cases and English correspondence, on which a great want of system prevailed throughout the province.

64. The reprints of Circular Orders referred to in paragraph 63 of last year's report were published, and distributed to all officers acquainted with English.

65. The Burma Courts Act came into operation towards the close of the year under report. It would be premature, without longer experience of its working, to give any opinion on the changes introduced by it.

66. The following officers have been mentioned with commendation by the Magistrates of the districts in which they were serving:—

Rangoon	Lieutenant B. A. N. Parrott	Assistant Commissioner	Syriam.
	„ H. Boileau	ditto ditto	Hmaubee.
	„ F. D. Raikes	ditto ditto	Pegu.
	Moung Hpo	Extra Assistant Commissioner	Angyee.
Bassein	Lieutenant C. A. Cresswell	Assistant Commissioner	Ngathinegyoung.
	Mr. G. E. L. Weidemann, C.S.	ditto ditto	Bassein.
	Moung Koo	Extra Assistant Commissioner	Theegweng.
	„ An	ditto ditto	Kyoonpyau.
Henzada	Major C. O'L. L. Prendergast	Assistant Commissioner	Henzada.
	Captain M. C. Poole	ditto ditto	Myanoung.
	Mr. A. O. Brown, C.S.	ditto ditto	Mengyee.
	Moung Hpo Han	Extra Assistant Commissioner	Monlo.
	„ Goon	ditto ditto	Tsanyuay.
	„ Myeit	ditto ditto	Mengyee.
	„ Min Gyaw	ditto ditto	Okpho.
Prome	Mr. W. C. Midwinter	Assistant Commissioner	Poungday.
	„ F. S. Copleston, C.S.	ditto ditto	Padoung.
	„ E. Richardson	Senior Extra Assistant Commissioner	Prome.
	Moung Kyaw Zan Hla	Extra Assistant Commissioner	Ditto.
	„ Hmai	ditto ditto	Shwe-doung.
Thayetmyo	Mr. R. A. D. Perreau	Assistant Commissioner	Thayetmyo.
	„ G. D. Burgess, C.S.	ditto ditto	Allanmyo.
	Moung Tet Pyo	Extra Assistant Commissioner	Meaday.
	„ Tetto	ditto ditto	Thayetmyo.
	„ Tsouk	ditto ditto	Meadoon.
Shwe-gyeen	Lieutenant T. M. Jenkins	Assistant Commissioner	Kyeikhto.
	Mr. G. E. Barr	Extra Assistant Commissioner	Shwe-gyeen.
	Moung Tha Nyo	ditto ditto	Beeling.
Tavoy	„ Shwe Hlaing	ditto ditto	Tavoy.
	„ Phaw	ditto ditto	N. E. Township.
	„ Hpet	ditto ditto	S. E. Township.
	„ Shwe Boo	ditto ditto	W. Township.
Mergui	Mr. A. L. Hough	ditto ditto	Malewoon.
	Moung Shwe Att	ditto ditto	Mergui.
	Captain M. Furlong	Town Magistrate	Moulmein.

67. I shall be happy, if required, to communicate to the Chief Commissioner my opinion as to the judicial capacities of all or any of the Judges or Magistrates in the province, which it would be improper to record in a report intended for publication.

J. W. QUINTON,

Officiating Judicial Commissioner,

British Burma.

PART III

Courts under the supervision of the Commissioner of the Arakan Division.

From the Officiating Commissioner of the Arakan Division, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 110, dated the 16th March 1876.

I HAVE the honour to submit the Annual Report on the Administration of Civil Justice of the Hill District of Arakan for the year 1875.

2. The following papers are submitted in original:—

(*a*)—Report of the Officiating Superintendent on the Administration of Civil Justice of Hill District of Arakan for the year 1875, with statements vi. to viii.

(*b*)—General statement No. 1.

3. During the year the following changes have taken place in the constitution of the Courts, under the Arakan Hills Civil Justice Regulation, published on the 2nd February 1875, by which the portion of country hitherto known as the hill tracts of Northern Arakan, is now styled the hill district of Arakan:—

Grade 1.—Court of the Extra Assistant Commissioner, formerly empowered, under the Burma Courts Act, to entertain suits up to Rs. 500 in value, is now empowered to try original cases, whatever be the value or the amount of the subject-matter thereon.

Grade 2.—Court of the Deputy Commissioner, formerly invested both with original and appellate powers, is now empowered only with appellate powers; but he may remove into his own Court any original case pending in the subordinate Court, and dispose of it himself.

Grade 3.—Court of the Commissioner of Arakan, formerly empowered to hear appeals from decrees and orders in original suits and proceedings of the Court of the Deputy Commissioner, is now invested with the functions of a High Court in all Civil and Miscellaneous matters.

4. A reference as regards jurisdiction in the matter of original suits has been made by the Officiating Deputy Commissioner of the hill district. This subject is now under the consideration of the local Government.

Suits instituted

5. The number of regular suits instituted in this district has risen from seventy-nine in 1874 to 104 during the year, showing an increase of twenty-five suits. The increase is entirely in the Court of the Deputy Commissioner, while in the Court of the Extra Assistant Commissioner the number

instituted remained exactly the same as in the previous year. In the Court of the Extra Assistant Commissioner, there were seventy-two suits instituted, while in the District Court, the number rose from seven in 1874, to thirty-two during the year. The following explanation has been offered by Captain Gower, on the subject of the increase of suits in the District Court then presided over by Mr. Buckle :—

> "The large increase in the number of cases instituted in the Deputy Commissioner's Court is owing to a number of suits against policemen having been brought in that Court. Formerly most of such cases were disposed of in the Police Office."

The above remarks were not very intelligible, and Captain Gower, on a reference being made to him by this Court, re-explained the matter as follows:—

> "These suits were all brought by petty traders in the bazaar for value of goods bought by policemen on credit. Last year these cases were all treated as regular suits ; but formerly, I am informed, the Superintendent, as Superintendent of Police, settled the claims in the Police Office by directing the men to liquidate them."

Subject-matter of suits.

6. The largest number of suits were for movable property. Under this head the increase is from ten per cent. in 1874, to sixty-two per cent. in the year of report. Next in number come suits for money due on verbal contracts. These were equal to twenty-seven per cent., but litigation of this nature fell considerably during the year, as compared with 1874, when the number of suits instituted was equal to seventy-two per cent. As in 1874, there was only one suit for immovable property. Three suits were instituted to recover damages arising out of torts against six in 1874, and seven suits of other nature, against none in the previous year. No explanation has been offered in the District Report on the increase of litigation under the two first heads.

Value of suits.

7. It will be noticed that, notwithstanding an increase in the number of suits instituted during the year, the total value of suits has fallen from Rs. 3,700 to Rs. 3,240 in the year. This point, too, remains without explanation in the District Report. It is apparent, however, that the increase in the number of suits was principally confined to cases amounting to Rs. 20 and under in value, while there was a falling-off in cases involving large sums, between Rs. 100 and Rs. 500 in value. This, perhaps, accounts for the falling-off in the total value of suits litigated during the year. For instance, suits under Rs. 5 in value rose from five in 1874, to eight in the year of report. Suits between Rs. 5 and Rs. 20 rose from eighteen to forty-four. Suits between Rs. 20 and Rs. 100 slightly increased, from forty-four to forty-five, while suits between Rs. 100 and Rs. 500 fell from twelve to seven.

Suits disposed of.

8. Out of 104 suits brought on the file for disposal, twenty-one, or only twenty per cent., were contested, while eighty-two suits, or seventy-eight per cent., were disposed of without trial. In 1874, the number contested was fifty-four per cent., while the number without trial was equal to forty-nine

per cent. More than half the number of cases, or sixty per cent., were withdrawn, or adjusted without trial, while one-fifth, or eighteen per cent., of cases were decreed on compromise or admission of claim. Cases disposed of under both these heads exhibit a considerable increase over the number for the previous year. No suits were dismissed or tried *ex-parte* for non-appearance of parties or either party during the progress of a suit, and no case was sent to arbitration, although three suits were so disposed of in 1874. Nearly two-thirds of the number of contested suits were decreed in favour of plaintiffs, as compared with four-fifths in 1874. Captain Gower says: "Very few cases, indeed, are contested in this district. The defendant usually acknowledges the claim in full or in part; if in part, the parties always come to some arrangement. In the Deputy Commissioner's Court a decree has generally been recorded in these cases. In the Court of the Extra Assistant Commissioner, they are shown as adjusted without decree."

Pending cases.

9. There was one case pending in the Court of the Deputy Commissioner at the close of the year, owing to the fact as reported by the Deputy Commissioner, that "the defendant could not be found," but the returns do not show that it was pending over two months.

Duration of suits.

10. The average duration of suits shows an improvement both in contested and uncontested cases in the Court of the Extra Assistant Commissioner. In the Court of the Deputy Commissioner, the average duration of contested cases was four days, against two days in 1874; while in uncontested cases there was a considerable improvement, being three days, against eleven in 1874.

Petition of witnesses.

11. The detention of witnesses and average number of adjournments is satisfactory, in each of the Courts witnesses were discharged on the day of their arrival before the Court.

Execution of decree.

12. Although there were forty cases in which decree was passed, yet no applications were made to any of the Courts for execution, while in 1874 there were four applications filed out of forty-six decrees passed during that year. Captain Gower says: "The decrees of the Court were in every case satisfied, without the necessity of execution being taken out."

Appeals

13. Not a single appeal was preferred, either in the year of report or in the previous year, to the Court of the Deputy Commissioner, from the decrees or orders of the Extra Assistant Commissioner of this district, nor were any preferred, in the Court of the Commissioner of Arakan, from the decrees or orders of the Deputy Commissioner.

Character of Officers.

14. GENERAL REMARKS.—Mr. Buckle, who presided over the hill District Court, during the year, appears to me to have worked well in introducing, with so much success, a new form of civil procedure in the Courts of the hill district. He has been ably supported, too, by his subordinate Judge, Nga Boukay, who is said to work well, and to bear a good character. It may fairly be inferred, I think, from the whole of the report, that

civil justice has so far been successfully administered to the satisfaction, and in accordance with the present necessities, of a remote and semi-civilized hill people. The fact that no suits were dismissed for non-appearance, that cases are allowed to be pending at the close of the year "because a defendant cannot be found," and that *ex-parte* decrees and appeals have hitherto remained unknown, or at least unresorted to by the people, is evidence, no doubt, of a discreet and lenient mode of introducing and applying new rules of procedure amongst uncivilized hill races, whose ideas hitherto of deciding disputes ; have been confined to a resort to arms, and to strife of various kinds, resulting generally in interminable hereditary feuds. If success continues, at the present rate of progress, to aid our new Courts in the administration of civil justice, and facilities and encouragement are offered to the people to resort to them, in case of need, rather than to their own violent modes of summary procedure, we may look forward at no great distance of time to a more prosperous and orderly condition of the races inhabiting the hill tracts, than would ever have been possible under their own primitive forms of turbulent misgovernment.

This report is forwarded direct to the local Government under directions contained in letter from Judicial Commissioner, No. 307, dated 11th March 1875.

From the Officiating Superintendent of Hill Tracts, Northern Arakan, to the Commissioner of the Arakan Division,—dated the 20th January 1876.

I HAVE the honour to forward the Annual Report on the Administration of Civil Justice for the District of Hill Tracts of Northern Arakan for the past year.

1. The subjoined table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with the similar results for the preceding year.

CLASS AND LOCALITY OF COURT, AND NAME OF PRESIDING JUDGE.	INSTITUTED.		DISPOSED.		PENDING AT CLOSE OF YEAR.			
					Above four months.		*Total pending.*	
	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.
Nga Boukay, Extra Assistant Commissioner of the 3rd class	72	72	72	72	...	...	...	...
Mr. Buckle, Deputy Commissioner	7	32	7	31	...	1	..	1
Total ...	79	104	79	103	...	1	...	1
Increase ...	...	25	...	24	...	1	...	1
Decrease ...	...	...	...	...	...	...	...	...

The large increase in the number of cases instituted in the Deputy Commissioner's Court is owing to a number of suits against policemen having been brought in that Court; formerly most of such cases were disposed of in the Police Office.

2. The next table shows the character of the original litigation in the different classes of Courts.

Class and locality of Court, and name of presiding Judge.	Number of suits instituted										
	Money due on contract or damages for breach thereof		Specific performance of contract	Movable property, or interest therein	Damages on account of torts	Rights arising from status	Account.	Dissolution of partnership	Immovable property or interest	Other suits not included in the above	Total
	Written	Unwritten									
Nga Boukay, Extra Assistant Commissioner of the 3rd class		19		47	1				1	4	72
Mr Buckle, Deputy Commissioner		9		18	2					3	32
Total		28		65	3				1	7	104

3. The value of original suits was as follows:—

Class and locality of Court, and Name of presiding Judge.	Number of suits Disposed of, valued at not exceeding Rupees							Above 1,00,000 Rupees	Total value of suits
	5	20	100	500	3,000	10,000	1,00,000		
									Rs A. P
Nga Boukay, Extra Assistant Commissioner of the 3rd class	5	32	32	8					1,709 8 0
Mr Buckle, Deputy Commissioner	3	12	13	4					1,530 14 0
Total	8	44	45	7					3,240 6 0

4. The manner in which the litigation was disposed of in the several Courts is shown below.

Class and locliaty of Court, and Name of presiding Judge	Number of cases brought on the file, including pending from last year	Transferred.	Withdrawn or adjusted without decrees.	Dismissed for non-appearance of either party	Decree on compromise on confession.	Decreed *ex parte*	Judgment by default	Decreed by arbitration	Contested cases		Pending
									Judgment for plaintiff	Judgment for defendant.	
Nga Boukay, Extra Assistant Commissioner of the 3rd class	72		59						11	2	
Mr Buckle, Deputy Commissioner	32		4		19				4	4	1
Total	104		63		19				15	6	1

Very few cases indeed are contested in this district. The defendant usually acknowledges the claim in full or in part. If in part, the parties always come to some arrangement. In the Deputy Commissioner's Court a decree has generally been recorded in these cases; in the Court of the Extra Assistant Commissioner these cases are shown as adjusted without decree. One case was pending at the close of the year, as the defendant could not be found.

5. The detention of witnesses and the average duration of suits in each Court of Original Jurisdiction and the average number of adjournments in cases disposed of was as follows :—

Class and locality of Court, and Name of presiding Judge	Number of witnesses discharged after				Average duration of suits				Average number of adjournments	
					For previous year.		For year of report.			
	One day	Two days	Three days	More than three days	Contested	Uncontested	Contested	Uncontested	For previous year	For year of report
Nga Boukay, Extra Assistant Commissioner of the 3rd class	33				8 07	5 77	3	4	3	·44
Mr Buckle, Deputy Commissioner	10				2 02	11	4 62	3	2 08	·13

6. The next table shows the number of decrees passed by the several Civil Courts, the number of applications for execution, and the degree in which the applications were satisfied.

Class and locality of Court, and Name of presiding Judge	Number of decrees passed during the year	Number of applications for executions, including those pending from last year	Decrees completely executed	Decrees partially executed	Applications struck off	Pending at close of year	
						For more than four months	Total pending
Nga Boukay, Extra Assistant Commissioner of the 3rd class	13						
Mr Buckle, Deputy Commissioner	27						
Total	40						

The decrees of the Courts were in every case satisfied, without the necessity of execution being taken out.

7. Processes of execution were issued as follows :—

Name of District	Mode of execution								
	Delivery of possession	Specific performance	Person		Movable property		Immovable property		Orders under section 243 Act VIII of 1869
			Arrest	Imprisonment	Attachment	Sale	Attachment.	Sale	
Hill Tracts of N Arakan									

8. The next table shows the nature of the applications and miscellaneous business performed by the Civil Courts throughout the year.

Class and locality of Court, and name of presiding Judge	Plaints rejected or returned	Applications: For arrest or attachment before judgment	Applications: Relating to execution of decree	Applications: To sue as pauper	Applications: For review of judgment or new trials	Applications: For certificate to collect debt under Act XXVII of 1860.	Applications: For grant of probate or letters-of-administration	Applications: For relief in cases of disputed successions under Act XIX of 1841	Applications: For the charge, person, or property of minors, Acts XL of 1858 and IX of 1861	Applications: For appointment of managers or Guardian of lunatic, or admission into Lunatic Asylum, Acts XXXV and XXXVI of 1858	Applications: For establishment of rights to have documents registered, sections 73 to 76, Act VIII of 1871	Total number instituted	Total number disposed.	Number left pending	Of those number pending for more than two months
Nga Bonkay, Extra Assistant Commissioner of the 3rd class															
Mr Buckle Deputy Commissioner															

9. The subjoined table shows the number of appeals referred to the Deputy Commissioners, from the decrees of the subordinate Court, in which the decrees appealed against were upheld.

Name of Extra Assistant Commissioner	Number of appealable decrees passed by him.	Number of appeals preferred.	Number of decrees confirmed	Number of modified.	Number of reversed	Proportion of reversals and modifications to appealable decrees.
Nga Boukay, Extra Assistant Commissioner				...		

There is only one Subordinate Judge, Nga Boukay. His character is good, and his work is fairly done.

Memorandum from the Superintendent of Hill Tracts, Northern Arakan, to the Commissioner of the Arakan Division,—No. 18, dated the 23rd February 1876.

Subject.—Your letter No. 54, dated 7th February 1876.

Reply.—These suits were all brought by petty traders in the bazaar, for value of goods bought by policemen on credit. Last year these cases were all treated as regular suits; but formerly, as I am informed, the Superintendent, as Superintendent of Police, settled the claims in the Police Office, by directing the men to liquidate them.

H. A. GOWER,
Officiating Superintendent, Hill Tracts, Northern Arakan.

DALEKMAI;
The 23rd February 1876.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

B.—

1.—Statement showing the various Judicial Tribunals, Original and Appel

Class of Tribunal, Distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals, stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.
Recorder's Court, Rangoon, { Civil ... / Criminal..	1 1	48	...	1	1 Judge and 5 Jurors.	Ordinary Original Civil Jurisdiction in suits of every description, except those which are cognizable by a Court of Small Causes. Admiralty Jurisdiction, as exercised by a High Court throughout British Burma, including the territorial waters thereof. Insolvency jurisdiction under the 11th and 12th Vic. Cap. 21, within the towns of Rangoon, Moulmein, Akyab, and Bassein. Powers of a District Judge. Powers of a District Judge under the Indian Divorce Act throughout British Burma. Powers of a High Court in respect of the Court of Small Causes of Rangoon. *Criminal.* Powers of a Court of Sessions as defined in the Code of Criminal Procedure in the town of Rangoon. Criminal Appellate Jurisdiction. Powers of a High Court for the trial of European British subjects throughout British Burma. Powers of a High Court in respect of the Magistrates of the Town of Rangoon.	Barrister of not less than five years' standing.
Small Cause Courts confined to proper functions—Court of the First Judge.	1	...		1	1 Judge ...	Original Civil Jurisdiction up to Rs. 1,000.	...
Ditto ditto ditto ditto, Court of the Second Judge.	1	...		1	1 do. ...	Original Civil Jurisdiction up to Rs. 500.	Extra Assistant Commissioner, 1st grade.

JUDICIAL.

late, existing in the Town of Rangoon on the last day of the year 1875.

TOTAL NUMBER OF JUDGES.				AVERAGE ANNUAL SALARY OF EACH PAID JUDGE.		Total cost of Tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each Tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR.		
Europeans.													
Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	European.	Native.						Criminal.	Civil.	Appeal.
				Rs.	Rs.	Rs.	Rs.						
...	...	1	...	30,000	...	43,748	23,350	One of the Judges of the Special Court.	Every day, Sundays and authorized holidays excepted.	12	44	*	
												*Regular ... 141 ... ... ‡3,587 ... ‡1,821	
												Miscellaneous ... 315 ... ... 3,466 ... 987	
1	...	...	...	12,000	...	17,170-15-1	34,388-7-0	...	202	13	...	†	
...	...	...	1	...	6,000	8,030-0-0	10,199-0-0	...	214	32	...	‡	

29 Criminal Appeals. | 8 Criminal Miscellaneous.

B.—JUDICIAL.

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions.	Average area of each Division in square miles	Average population of each Division	Number of Tribunals	Constitution of Tribunals, stating number of Judges in each, and Jury or Assessors, if any	Judicial powers of each Tribunal Original and Appellate.	Prescribed qualification of Judge previous to appointment
Town Magistrate, 1st class, exercising Criminal powers only	1	45	104,332	1	1	District Magistrate I P,	
Assistant Magistrate .		.	.	1	1	1st class powers, I P	..
Total		45	104,332	2	2		

Statement 1—(concluded).

Total number of Judges.				Average annual salary of each paid Judge.		Total cost of Tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each Tribunal.	Number of cases decided during the year.		
Europeans.													
Covenanted.	Commissioned Military Officers	Uncovenanted.	Native.	European.	Native.						Criminal.	Civil.	Appeal.
				Rs.	Rs.	Rs.	Rs.						
1	..	...	...	9,900	...	9,900	1,068 0 0	Collector of Revenue, President of Municipality, Hospital, and Dalhousie Park Committees; official visitor, Central Jail and Lunatic Asylum, Rangoon.	295	21	1,215	...	4
...	1	...	...	7,200	...	7,200	1,336 8 0	Assistant Commissioner in charge of Town lands, member of Municipal and Cantonment Committee; official visitor, Central Jail and Lunatic Asylum, Rangoon.	287	19	1,313	...	...
1	1	.	..	17,100	...	17,100	2,404 8 0		..	...	3,528	...	4

B.—JUDICIAL.

2.—*(Criminal.)—Statement of offences reported, and of persons tried and acquitted for each offence in the Town of Rangoon in the year 1875.*

DESCRIPTION OF OFFENCES.	Section of Code applicable	NUMBER OF OFFENCES DURING THE YEAR.		Number of persons under trial during the year	Acquitted or discharged.	Warned and discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial	REMARKS.
		Reported.	Brought to trial								
CLASS I											
Offences against the State, Public, and Justice											
Conspiracy	121(a) 202	1	1	33	7			26			
Making, using, or possessing false weights and measures	264, 267	3	3	4	1		3				
Giving false information to public servant	182	2	2	7	2		5				
Disobedience of lawful orders	186, 188	17	17	66	12	19	35				
Taking gift to screen an offender from punishment	213 to 215										
Escape from lawful custody	224	9	9	9	2		7				
Disobeying summons or notice	172 to 175	7	7	11	1	5	5				
Personating public servant	170, 171	4	4	5			5				
Omitting to give information of offence or giving false information	176, 177, 181, 182	2	2	2			2				
Abetting the corruption of the Police	161—109, 162—116	2	2	6			6				
By Public Servant.											
Taking gratification	161 to 165	5	5	7	3		4				
Breach of Police Act by public officers	Act V of 1861	10	10	12			12				
Public servant negligently suffering escape	223	3	3	3			3				

False Evidence, False Complaints or Claims and Forgery.											
Giving false evidence	193 to 196	9	9	15	7	...	2	5	...	...	
False charge of offence	211	3	3	4	2	..	...	2	...	...	
Frivolous or vexatious complaint	C. P. 207	16	16	16	...	...	16	...	...	...	
Forgery or fraudulently using or possessing forged documents	471	1	1	1	...	...	...	1	...	...	
Public Nuisance.											
Public nuisance	269 to 294	15	15	77	24	3	50	...	...	...	
Do. do. under Police Act	Act V. of 1861	238	238	576	46	70	460	...	...	...	
Cruelty to animals	Ditto	36	36	57	1	2	54	...	...	...	
Drunk and disorderly	Ditto	311	311	787	4	23	760	...	...	...	
Creating a disturbance	Ditto	144	144	444	25	20	399	...	...	...	
Nuisance	Act XIV. of 1856	1	1	1	...	...	1	...	...	...	
Obstruction	Act XLVIII. of 1860	96	96	382	15	24	343	...	...	...	
Relating to Public Peace.											
Rioting or unlawful assembly	143, 147, 153	3	3	16	7	...	9	...	...	...	
Affray	160	17	17	60	...	17	43	..	...	...	
Offences relating to religion...	295 to 298	1	1	1	1	...	...	...	...	...	
CLASS II.											
Offences against the Person.											
Murder	302	2	1	1	...	...	...	1	...	...	
Attempt to murder	307	1	1	1	...	...	...	1	...	...	
Culpable homicide	304, 308	2	2	4	2	...	...	2	...	...	
Attempt to commit suicide	309	2	2	2	1	1	...	...	...	...	
Grievous hurt	325, 326	13	11	18	6	...	5	7	...	...	
Ditto on grave provocation	335	3	3	3	...	...	1	2	...	...	
Hurt	323, 334	63	63	101	41	...	56	...	1	3	
Do. by dangerous weapons	324	20	18	22	4	...	15	2	...	1	
Doing an act which endangers human life ...	336, 337	1	1	1	1	...	...	...	...	...	
Assault or criminal force	352, 355, 356, 358	568	568	898	625	9	260	...	...	4	
Ditto ditto to a woman	354	5	5	5	2	...	2	...	...	1	
Wrongful restraint	341	2	2	3	1	...	2	...	...	...	
Criminal intimidation and insult	504 to 509	88	88	122	76	...	46	...	...	...	
Kidnapping or abduction	363 to 369	4	4	4	4	...	...	...	...	...	
Enticing a married woman	498	16	16	16	15	...	1	...	...	...	
Adultery	497	25	25	33	26	...	...	6	...	1	
Rape	376	4	4	5	4	...	...	1	...	...	
Unnatural offence	377	2	2	2	...	...	...	1*	1	...	*Transferred to Madras.
Defamation	500 to 502	18	18	24	17	...	7	...	...	...	

B.—Judicial.

2.—*Statement of offences, &c.*—(continued).

Description of offences.	Section of Code applicable.	Number of offences during the year.		Number of persons under trial during the year.	Acquitted or discharged.	Warned and discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	Remarks.
		Reported.	Brought to trial.								
CLASS III.											
Offences against property with violence.											
Dacoity	395, 397, 398	...	1*	1	1	...	...	...	...	...	* Pending from last year.
Robbery	392, 393	2	1	1	1	...	...	...	...	...	
Extortion	348, 389	4	4	6	2	...	4	...	...	...	
House-breaking or house-trespass in order to commit theft	451, 455, 457	34	25	33	3	...	23	6	1	...	
Without violence.											
Theft	379, 380, 381	744	382	431	84	...	334	12	1†	...	†Disposed of by Local Government.
Dishonestly receiving stolen property ...	411—414	87	87	119	44	...	67	5	...	3	
Dishonest misappropriation of property ...	403—404	32	32	34	14	...	20	..	...	.	
Criminal breach of trust	406 to 409	34	28	32	13	...	18	1	...	..	
Cheating	417 to 420	40	40	51	31	...	15	1	...	4	
Malicious offences.											
Mischief...	426	23	23	35	22	4	9	...	...	...	
Criminal or house-trespass	447—448	42	42	65	36	...	29	...	..	..	

CLASS IV.

(Offences not included in the above classes.)

Bad livelihood	504, 505, C. P. C.	77	77	104	...	33	70	...	...	1	
Criminal breach of contract or service ...	490 to 492	18	18	84	55	...	29	...	...	...	
Rash or negligent driving	279	9	9	9	3	1	5	...	...	...	
Negligent conduct with respect to fire ...	285	22	22	24	...	5	19	...	...	...	
Assault on Police Officers	353	2	2	2	...	1	1	...	...	...	
Contempt of Court	435 C. P. C.	1	1	2	...	...	2	...	...	...	
Giving false information	Act X. of 1871	1	1	1	...	...	1	...	...	...	
Bound down to keep the peace	491, 492, C. P. C.	40	40	74	15	...	59	...	...	...	
Maintenance	536, C. P. C.	22	22	22	14	18	...	...	...	...	
Excise (breach of)	Act X. of 1871	155	155	188	37	1	150	...	...	...	‡ Ordered to give maintenance.
Refusal of duty and desertion	M. S. Act of 1854	59	59	116	57	7	52	...	...	...	
Breach of Port Rules	Act XXII. of 1855	9	9	17	9	...	8	...	...	...	
Ditto Municipal Rules	„ VII. of 1874	49	49	119	5	10	102	...	...	2	
Ditto Hack Carriage Rules	Ditto	166	166	419	180	37	201	...	...	1	
Ditto Cart Rules	Ditto	5	5	13	3	...	10	...	...	...	
Ditto Boat do.	Ditto	10	10	25	4	...	21	...	...	...	
Ditto Cantonment Rules	Act XXII. of 1864	182	182	374	23	8	343	...	...	...	
Ditto Lock-hospital ditto	Ditto	97	97	183	...	33	150	...	...	...	
Gambling	III. of 1867	117	117	569	49	...	520	...	...	...	
Arms Act	Act XXXI. of 1860	6	6	43	18	...	25	...	...	...	
Forfeiture of security	397, C. P. C.	1	1	1	...	...	1	...	...	...	
Cattle trespass	Act I. of 1871	12	12	24	12	...	12	...	...	...	
Smuggling	„ VI. of 1863	6	6	8	3	...	5	...	...	...	
Breach of Prison Act	Act XXVI. of 1870	3	3	3	...	...	3	...	...	...	
Ditto Burma Steam Survey Act	.....	1	1	1	...	...	1	...	...	...	
Buying Soldiers' clothing	Act VII. of 1867	1	1	1	...	...	1	...	...	...	
TOTAL ...	.....	3,908	3,526	7,101	1,723	341	4,929	83	4	21	

B.—JUDICIAL.

2.—(Criminal.)—Statement of offences reported, and of persons tried, convicted, and acquitted for each offence in the Court of the Recorder of Rangoon for the year 1875.

DESCRIPTION OF OFFENCE	Number of offences reported during the year	Number of persons under trial during the year	Acquitted or discharged	Convicted	Died, escaped, or transferred	Remaining under trial	REMARKS
CLASS I							
OFFENCES AGAINST THE STATE THE PUBLIC, AND JUSTICE							
Against the State							
Conspiring to wage war against the Queen	1	26				26	
Collecting arms or concealing attempt to wage war							
War or depredation on allied powers							
Abetment of mutiny							
Relating to Coin, Stamps, Weights, and Measures							
Counterfeiting coin							
Diminishing or altering coin							
Passing or possessing bad or altered coin							
Counterfeiting stamps or selling same							
Using as genuine counterfeit stamps, or effacing or altering same							
Making, using, or possessing false weights or measures							
Against Public Justice							
Personating public servant or soldier							
Concealing design to commit offence							
Omitting to give information of offence or giving false information							
Causing disappearance of evidence							
Resisting, obstructing or omitting to assist public servant							
Disobedience of lawful order, causing injury							
Intentional insult or interruption in judicial proceedings							
Harbouring an offender							
Taking gift to screen offender							
Resistance to lawful apprehension and rescue							
Escape from lawful custody or transportation							
Absconding from avoiding or disobeying summons or notice or order to attend or produce, or refusing to answer or sign							
Failure to attend as juror or assessor							
By Public Servants							
Taking valuable things by, or to influence public servants							
Public servants acting illegally to injure any person							
Public servants unlawfully trading							
Public servants fraudulently defeating punishment or forfeiture							
Public servants wilfully making order or decision contrary to law							

B.—Judicial. 2.—*Statement of offences, &c.*—(continued).

Description of Offence.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Remarks.
By Public Servants—(continued).							
Public servants intentionally omitting to apprehend or permitting to escape ...		..	...	..	...	...	
Public servant negligently suffering escape	..	...	...	...	...		
Breach of Police Act by Police Officers...	..	....	..	...	...	...	
False evidence, false complaints or claims, and forgery	...	...	...	..	..	...	
Giving false evidence	2	2	..	1	1	.	
Fabricating false evidence	...	...	...	...	...	..	
Making, issuing, or using false statement or certificate	...	...	...	...	...	...	
False personation in Judicial proceeding	...	...	...	.	..	...	
Fraudulent claim to, or concealment of, property or suffering of decree ...	...	...	...	...	...	..	
False claim in Court of Justice ...	...	...	...	...	...	...	
False charge of offence	1	2	...	2	...	...	
Frivolous or vexatious complaint ...	...	...	...	...	...	...	
Forgery or fraudulent using or possessing forged document	2	2	...	2	...	...	
Making or using false trade-marks ...	...	...	...	...	...		
Public Nuisances.							
Public nuisances under Penal Code ...	...	...	...	...	..	..	
Nuisances under Police or Municipal and Local Acts	.	...	...	...	...	..	
Relating to the Public Peace.							
Rioting or unlawful assembly... ..	...	...	...	...	...	..	
Omitting to inform of, or prevent, riot ..	...	...		...	...	..	
Affray	...	...	...	...	...	..	
Offences relating to religion	...	...	...	...	...	...	
Total ..	6	32	...	5	1	26	
CLASS II.							
Offences against the Person.							
Murder—By thugs	...	...	...	...	...	...	
Murder—By dacoits...	...	...	...	...	...	...	
Murder—By robbers	...	...	...	...	...	..	
Murder—Poison—For sake of robbery.							
Murder—Poison—From other motives.							
Other murders—From motives connected with women ...	...	...	...	.	...	...	
Other murders—From other motives ...	4	4	2*	..	...	2†	
Attempt to murder	2	2	...	2	..	...	
Culpable homicide	1	2	1	1	...	...	
Causing death by rash act	1	1	...	1	...	...	
Attempt to commit suicide	...	..	..	...	..	...	
Causing miscarriage	...	...		...	...	..	
Exposure of infant or concealment of birth	...	...	...	..	...	..	
Grievous hurt	3	3	1	2	.	.	
Grievous hurt on grave and sudden provocation	1	1		1	..		
Hurt	1	4	1	3	..	..	
Hurt by dangerous weapons	1	1	...	1	...	..	
Administering stupefying drugs ...	..	...	..	.		...	
Causing hurt to extort property or confession	..	..	.			..	
Act dangerous to life or safety ...	...	..	.	.	.	...	
Wrongful restraint	..	...	...	...	..	...	
Wrongful confinement	..	..	...	...	...	...	
Wrongful confinement to extort property or confession			..	.	.		
Assault or use of criminal force .							

* One person was found to be of unsound mind, and incapable of knowing that he did an act which was wrong or contrary to law. Disposed of by Local Government under Section 430, Criminal Procedure Code.

† One person, an European British subject, was found to be of unsound mind, and incapable of making his defence. Referred to Local Government under Section 466, Criminal Procedure Code.

B.—Judicial. 2.—*Statement of offences, &c.*—(continued).

Description of offence.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Remarks.
Offences against the Person—(continued).							
Criminal intimidation or insult	...	..	..	...	..		
Causing annoyance in state of intoxication	...	...			...	..	
Unlawful compulsion of labour	...	...	...	..		...	
Buying or disposing of any person as a slave	...	...	...	...			
Kidnapping or abduction	...	...	...	..	.	.	
Abducting a woman to compel marriage or for defilement	...	...	...	...	...	..	
Selling, letting, or unlawfully obtaining a woman for purposes of prostitution...	..	...	...	...	...		
Enticing a married woman with criminal intent	1	1	...	1	...	...	
Fraudulent and unlawful marriages ...	...	...	...	...	...	...	
Adultery	3	3	3*	...	...	..	
Rape	1	1	..	1	...	..	
Unnatural offences	2	2	..	1	1†	...	
Defamation	..	...	..	...	...	...	
Total .	21	25	8	14	1	2	
CLASS III.							
Offences against property.							
With violence.							
Dacoity	1	3	3	...	...	..	
Preparation or assembly for dacoity ...	...	..	...	...	...	...	
Robbery with hurt or deadly weapon ..	...	...	..	...	...	...	
Robbery	1	1	..	1	...	...	
Extortion	.	...	...	...	...	...	
House-breaking or house-trespass in order to commit theft ...	5	7	1	6	...	...	
House-breaking or house-trespass in order to commit an offence other than theft	...	...	..	.	...	...	
House-breaking or house-trespass with preparation for, or attempt at, hurt ...	...	...	..	...	...	...	
House-breaking or lurking	...	...	...	...	...	...	
House-trespass	...	.	...	...	...	...	
Without violence.							
Theft of cattle	.	...	...	...	...	...	
Theft, ordinary	7	7	...	6	...	1	
Dishonestly receiving, dealing, and assisting in disposal of stolen property ...	5	6	1	5	..	...	
Dishonest misappropriation of property	..	..	...	...	...	...	
Criminal breach of trust	1	1	...	1		...	
Cheating	..	...	..	..	..	...	
Malicious offences.							
Mischief, ordinary	..	..		..	..	...	
Mischief by poisoning or killing cattle ..	.	..	...	...	...	...	
Mischief by destroying land-marks ...	..		...	...	..	...	
Serious mischief by fire	.	..	.	.	..	..	
Criminal trespass or house-trespass ...	...	...	..	..	...	.	
Breaking closed receptacle	...	..	.	..	...	...	
Total ...	20	25	5	19	..	1	
CLASS IV.							
(Offences not included in the above classes.)							
Belonging to a gang of thugs, dacoits, or thieves		..	...	...	..	..	
Vagrancy without ostensible means of livelihood			...	..	.	...	

* One withdrawn by prosecutor.

† Referred back to the Magistrate: the offence having been committed at Cuddalore, this Court had no jurisdiction to try the case.

B.—JUDICIAL. 2.—*Statement of offences, &c.*—(concluded).

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
Offences not included in the above classes —(continued).							
Bad habits and repute	...	...	...	...	...	...	
Criminal breaches of contracts of service	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	
BREACHES OF SPECIAL LAWS FOR THE PROTECTION OF THE REVENUE OR ON OTHER SUBJECTS, THE ACTS BEING SPECIFIED.							
Breaches of Laws relating to—							
Excise on spirits and drugs (Abkaree) ...	...	...	...	...	...	..	
Customs Act	...	...	...	...	...	...	
Post Office Act	.	...	...	...	...	...	
Jails	...	...	...	...	...	...	
Forests	...	...	...	...	...	...	
Gaming and lotteries	...	...	...	...	...	...	
Lunatics Act	...	...	...	...	...	...	
Cattle Trespass Act	...	...	...	...	...	...	
Possession of arms	...	...	...	...	...	...	
Merchant Shipping Act	...	...	...	...	...	...	
Local Rules	...	...	...	...	...	...	
Port Rules	...	...	...	...	...	...	
Revenue Rules	..	...	...	...	...	...	
Police Act	...	...	...	...	...	...	
Cantonment Rules	...	..	...	...	...	...	
Carriages, carts, and boats	..	...	...	...	...	...	
Contagious diseases	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	
ABSTRACT.							
Offences under Class I.	6	32	...	5	1	26	
Ditto Class II.	21	25	8	14	1	2	
Ditto Class III.	20	25	5	19	...	1	
Ditto Class IV.	..	...	...	...		..	
Breaches of Special Laws of the Province	...	...	...	...	..	..	
GRAND TOTAL ...	47	82	13	38	2	29	

B.—

3.—(Criminal.)—Statement showing the general Results of Criminal Trials of the Town of Rangoon,

Class of Tribunal	Number of Persons dealt with.						
	Remaining at end of last year.	*Brought to trial during the present year.*				Died by transfer.	Total.
		Under arrest by Police.	Upon warrant.	On summons.	Voluntarily.		
Town Magistrate, 1st class, exercising Criminal powers only	43	1,323	460	623			2,406
Assistant Magistrate	40	3,249	126	1,320			4,695
Total	83	4,572	586	1,943			7,101
Sessions Courts (Recorder's)		80				2	82
Grand total	83	4,652	586	1,943		2	7,183

JUDICIAL.

in the Tribunals of various classes in the Province of British Burma, inclusive in the year 1875.

PRISONERS DISPOSED OF.					Remaining at end of the year.	Average number of days during which each case lasted.	Number of witnesses who attended.	REMARKS.
Discharged without trial.	Acquitted, warned, and discharged.	Convicted.	Committed or referred.	Died, escaped, or transferred.				
258	490	1,601	54	1	2	3⅞	1,538	
478	839	3,328	29	2	19	4	2,562	
736	1,329	4,929	83	3	21	7⅞	4,100	
*1	112	38		†2	§20	‖24	286	* Withdrawn (adultery case). † One person was found to be of unsound mind and incapable of knowing that he did an act which was wrong or contrary to law. Disposed of by local Government, under Section 430, Criminal Procedure Code. ‡ One escaped whilst on bail. One returned to the committing Magistrate, the Court having no jurisdiction to try the accused. § One person found to be of unsound mind and incapable of making his defence. Referred to the local Government, under Section 426, Criminal Procedure Code. ‖ This includes the period the prisoner is in jail. The Sessions are eight in number in the year, and are held at intervals of six weeks. They do not often last more than four days, and the trial of a prisoner seldom lasts more than one day. The witnesses are summoned to be in attendance on the first day of the Sessions, and at the furthest have only four days to wait. The average length of their attendance is half that time.
737	1,341	1,967	83	5	50	31⅞	4,986	

B.—

4.—(Criminal.)—Statement showing the Punishments inflicted by *in the*

Class of Tribunal.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE.				
		Transportation			Imprisonment.				Fine.		Whipping.						
					Rigorous.												
	Death.	For life.	For a term.	Penal servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Surety of the peace.	Recognizance.	Sureties for good behaviour.	Rs. 10 and under.	Rs. 50 and under.
Town Magistrate, 1st class exercising Criminal powers only ...	...	...	...	...	5	308	40	...	9	1,120	9	59	25	12	14	919	157
Assistant Magistrate.	...	.	...	..	8	307	9	...	20	2,834	19	89	22	..	20	2,382	338
Total Magistracy				..	13	615	49	...	29	3,954	28	148	47	12	34	3,301	495
Sessions Courts (Recorder's)	...	4	...	..	..	34	...	...	...	...	...	...	...	...	...	...	...
Grand total ...	...	4	...	...	13	649	49	...	29	3,954	28	148	47	12	34	3,301	495

JUDICIAL.

various Criminal Tribunals in the Court of the Town Magistrate of Rangoon year 1875.

DETAIL OF PUNISHMENT.

FINE.						IMPRISONMENT.										WHIPPED.		
						15 days.		*6 months.*		*2 years.*		*7 years.*		*Above 7 years.*				
Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
28	15	1		17,190-13-0	16,098-8-0	150-0-0	112	4	124	36	95						13	49	6
85	29			30,777-13-3	20,188-1-3	537-1-0	68	8	228		58	1					30	66	12
113	44	1		47,968-10-3	36,281-9-3	696-1-0	180	12	352	36	153	1					43	115	18
							1		5		8		17		3				
113	44	1		47,968-10-3	36,281-9-3	696-1-0	181	12	357	36	161	1	17		3		43	115	18

B.—

5.—(Criminal.)—Statement showing the Results of Appeal and Revision

year

Class of Tribunal.	Number of appellants or persons applying for revision under Section 404, Code of Criminal Procedure.	Appeals or applications rejected	Sentences confirmed.
Recorder's Court, Rangoon	31	8	11
1st Class Magistrate, exercising Criminal powers only	4	4	
Total	35	12	11

JUDICIAL.

in Criminal Cases in the Court of the Recorder of Rangoon during the 1875.

NUMBER OF PERSONS.						REMARKS.
Sentences modified.	Sentences reversed.	Proceedings quashed.	Further enquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	
6	3	3	2	2		Columns 8 and 9 are not included in columns 2 to 7.
..	2	2	.	..	...	
6	5	5	3	2	.	

B.—

6.—(Civil.)—Statement showing the Number and Description of Civil Suits of Rangoon in

SUITS FOR MONEY, DISTINGUISHING SUITS UP TO RS. 500, COGNIZABLE BY SMALL CAUSE COURTS, FROM

CLASS OF TRIBUNAL.	*On written obligation.*		*On unwritten obligation.*		*On account stated.*		*Money had and received.*		*Goods sold.*		*Breach of contract not mentioned above.*		*Rent not falling under the Rent Law.*	
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.
Recorder's Court, Rangoon ...	1	30	...	2	...	1	1	3	...	...	...	1	...	...
Court of Small Causes. Court of the First Judge ...	1,667	138	746	19	68	2	133	7	573	7	27	2	165	...
Court of Small Causes. Court of the Second Judge	647	...	437	...	14	...	69	...	345	...	27	...	192	...
TOTAL ...	2,314	138	1,183	19	82	2	202	7	918	7	54	2	357	...

JUDICIAL.

instituted in the Civil Courts exercising jurisdiction within the Town the year 1875.

'OTHER CASES'				SUITS UNDER THE RENT LAW	OTHER SUITS										REMARKS.
Movable property, or value thereof		*Damages*													
Rs 500 and under	Above Rs 500	Rs 500 and under	Above Rs 500	For ejectment or recovery of possession.	Suits for immovable property	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c	Suits to declare and establish personal rights	Suits for an account	Suits relating to religious endowments	Suits to set aside judgments, contracts, or obligations on the ground of fraud	Suits for dissolution of marriage	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping	Suits relating to religion and caste	
	1	2	7		3	16	15	8	11		2	10	7				
73	10	29	8														
78																	
151	10	29	8														

B.—Judicial.

7.—(Civil.)—Statement showing Value of Suits disposed of in the Court of the Recorder of Rangoon in the year 1875.

Value of Suits.		Number of Suits disposed of in different Courts.					Total value of suits.
		Village Courts	Small Cause Courts	Moonsiffs', Deputy Collectors', and other Sub-divisional Courts	District Courts.	Superior Courts.	
1		2	3	4	5	6	7
In Civil Courts.	Rs						Rs A. P
Not exceeding . .	5						
Ditto . .	20						
Ditto . .	100					2	200 0 0
Ditto . .	500					26	8,835 12 0
Ditto . .	1,000	...				7	4,845 5 0
Ditto .	5,000					68	1,48,741 11 4
Ditto . .	10,000					12	80,455 7 5
Ditto .	1,00,000					9	2,74,744 8 11
Exceeding . .	1,00,000					1	1,62,714 10 10
	Total					125 *	6,80,537 7 6

* 16 suits of no estimated value were disposed of.

B.—JUDICIAL.

7(a).—(Civil.)—Statement showing Value of Suits disposed of in the Civil Courts having jurisdiction within the Town of Rangoon in the year 1875.

VALUE OF SUITS.				NUMBER OF SUITS DISPOSED OF IN THE COURT OF SMALL CAUSES.					TOTAL VALUE OF SUITS IN BOTH COURTS.
				Court of the First Judge.	Value of suits.	Court of the Second Judge.	Value of suits.	Total number of suits in both Courts.	
1				2	3	4	5	6	7
			Rs.		Rs. A. P.		Rs. A. P.		Rs. A. P.
In Civil Courts.									
Not exceeding ..	...	...	5	70	267 10 6	109	433 5 4	179	700 15 10
Ditto .	...	...	20	825	10,966 14 7	604	7,654 6 2	1,429	18,621 4 9
Ditto ...	...	...	100	1,675	81,978 6 2	768	37,594 3 9	2,443	1,19,572 9 11
Ditto .	...	...	500	813	1,77,582 15 4	340	71,067 2 4	1,153	2,48,650 1 8
Ditto ...	...	...	1,000	204	1,55,884 6 6	.....	.....	204	1,55,884 6 6
Ditto ...	...	...	5,000	.....	.....	.....	.....	.....	.....
Ditto ...	...	...	10,000	.....	.....	.....	.....	.....	.....
Ditto ...	...	...	1,00,000	.....	.....	.....	.....	.....	.....
Exceeding ..	...	...	1,00,000	.....	.....	.....	.....	.....	.....
		TOTAL ...		3,587	4,26,680 5 1	1,821	1,16,749 1 7	5,408	5,43,429 6 8

8.—(Civil.)—Statement showing the general Result of the Trial of Civil Suits in the Courts of Original Jurisdiction in the Court of the Recorder of Rangoon in the year 1875.

Class of Courts		Suits remaining from last year	Instituted in 1875	Received by transfer	Total for disposal	Transferred to other Courts	Plaint rejected or returned	Dismissed for default	Withdrawn with leave	Compromised	Decreed on confession	Decreed *ex-parte*	Dismissed *ex parte*	Contested: Judgment for plaintiff in whole or part	Contested: Judgment for defendant	Total disposed of	Pending	Over two months	Over four months	Average duration of suits: Contested	Average duration of suits: Uncontested	Referred to arbitration	Remarks
Superior Courts of general jurisdiction (Recorder's Court)		37	121		158			9	12	5	1	16		57	41	141	17	1	5	103	31		
Small Cause Court	Court of the First Judge	115	3,649	25	3,789	2	12	495	14	153	284	1,813	6	551	257	3,587	202	32	39	Days 22¾	Days 23½		
	Court of the Second Judge	22	1,807	2	1,831	25	18	434	2	16	254	670	163	225	14	1,821	10	2	1	10½	Nearly 6¾		
	Total	137	5,456	27	5,620	27	30	929	16	169	538	2,483	169	776	271	5,408	212	34	40	Nearly 20	Nearly 17½		

B.—Judicial.

9.—(Civil.)—Statement showing the business of the Civil and Revenue Appellate Courts exercising jurisdiction within the Town of Rangoon in the year 1875.—Blank.

B.—Judicial.

10.—(Civil.)—Statement showing the Execution of the Decrees of the Civil and Revenue Courts exercising jurisdiction within the Town of Rangoon in the year 1875.

Class of Courts.	Applications to execute decrees.				Decrees completely executed	Decrees partially executed	Pending at the end of 1874	Decrees executed by possession being given	Nature and number of coercive processes issued.						Remarks
	Pending	Filed	Received by transfer	Total					Imprisonment of person	*Movable property*		*Immovable property*		Orders under Section 248, Code of Procedure.	
										Attached	Sold	Attached	Sold		
Recorder's Courts		67	69	136	48	73	14	1	3	11	8	64	52		
Court of Small Causes — Court of First Judge	48	2,765	25	2,838	1,727	1,056	55		135	1,042	174				
Court of Small Causes — Court of Second Judge	10	641	4	655	590	55	10	–	53	307	62				
Total	58	3,406	29	3,493	2,317	1,111	65		188	1,349	236				

B.—JUDICIAL.

11.—*Statement showing use of Juries and Assessors in the Civil and Criminal Courts of the Recorder of Rangoon in the year 1874.*

CLASSES OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established or average number of Jury or Assessors in each case, and prescribed qualification	Number of cases tried by Jury	Number of cases with Assessors	JURY TRIALS		ASSESSORS' TRIALS		Note showing in what classes of cases Juries and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict	Cases in which the Judge did not approve of the verdict	Number of cases in which Judges agreed with Assessors	Number of cases in which Judges differed from Assessors.		
Jurors are employed in all Criminal trials before the Recorder as a Court of Session, and as a High Court for the trial of European British subjects Assessors in Civil cases, at the discretion of the Recorder	*Jury of five*.—No prescribed qualifications beyond what is laid down in the Criminal Procedure Code *Assessors*.—One or more No prescribed qualification	32	*7	31	1	5	1	Juries were employed in Criminal trials, Assessors in cases under the Land Acquisition Act	* One was compromised.

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

B.—

1.—*Statement showing the various Judicial Tribunals, Original and Appellate, on the last day of*

Class of Tribunals, Distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals, stating number of Judges in each, and Jury or Assessors, if any.	Judical powers of each Tribunal, Original and Appellate.
Local and Subordinate Magistrates exercising Criminal powers only, unpaid.	1	...	...	1	1 Judge	Magistrate of the 3rd class, under Section 20 of Act X. of 1872.
Ditto ditto exercising Criminal powers only, paid.	2	...	...	2	1 do.	Magistrates of the 2nd and 3rd classes, under Section 20 of Act X. of 1872.
Ditto ditto exercising Civil and Criminal powers only, paid.	1	...	...	1	1 do.	Magistrate of the 2nd class, under Section 20 of Act X. of 1872, and powers of a Small Cause Court to try suits up to Rs. 50 in value.
Ditto ditto exercising Civil powers only, paid.	2	...	...	2	1 do.	Civil original jurisdiction up to Rs. 3,000 and Rs. 5,000 as Courts of grade (2) under Sections 12 and 13 of Act XVII. of 1872. One has powers of a Small Cause Court to Rs. 100 in value.
Ditto ditto exercising Criminal, Civil, and Revenue powers, paid.	93	...	...	93	1 do.	Magistrates of the 2nd and 3rd classes under Section 20 of Act X. of 1872. Civil jurisdiction up to Rs. 500 and Rs. 3,000 as Court of grade (1) and grade (2), defined in Section 12 of Act XVII. of 1875, with Revenue powers under the rules of the province.
Ditto ditto exercising Criminal, Civil, and Revenue powers, paid.	1	...	...	1	1 do.	Magistrate of the 3rd Class, under Section 20 of Act X. of 1872. Civil original jurisdiction of whatever value or amount under Section 2(*a*) of the Arakan Hills Civil Justice Regulation 1874. Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.
Small Cause Court (confined to proper functions).	1	...	...	1	Both under Act XVII. of 1875. One Judge for both Courts. Jurors employed in Sessions trials.	Civil original jurisdiction in Civil suits up to Rs. 1,000, under Section 12 of Act XVII. of 1875.
Court of the Judge of Moulmein.	1	...	...	1		Civil original, Sessions, and Criminal appeal, under Act XVII. of 1875; also powers of a Small Cause Court with jurisdiction up to Rs. 1,000 under Section 12 of Act XVII. of 1875.
Magistrates of 1st class, exercising Criminal powers only.	2	...	...	1	1 Judge.	Magistrate of the 1st class under Section 20, Act X. of 1872, and Justices of the Peace.

JUDICIAL.

existing in the Province of British Burma (exclusive of the Town of Rangoon) the year 1875.

Prescribed qualifications of Judges previous to appointment.	Total number of Judges. Europeans. Covenanted.	Europeans. Commissioned Military Officers.	Europeans. Uncovenanted.	Natives.	Average annual salary of each paid Judge. European.	Average annual salary of each paid Judge. Native.	Total cost of Tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each Tribunal.	Number of cases decided during the year. Criminal.	Civil.	Revenue.	Appeal.
					Rs.	Rs.	Rs.								
...	...	...	...	1	...	...	...			...		..	...	...	...
.	...	1	1	...	4,800	...	9,600		One Station Staff Officer. one Deputy Conservator of Forests.	...	...	126	...	...	...
...	...	1	...	...	2,400	...	2,400	...	Station Staff Officer.	...	...	116	364	...	...
...	...	...	...	2	...	4,500	9,618	...	...	...	...	..	2,330	...	...
...	...	1	7	85	5,200	1,020	1,44,151	...	...	...	...	9,802	17,875	1,727	...
...	...	...	...	1	...	1,200	1,819-7-2	...	...	...	...	15	72	...	...
..	...	...	...	...	...	...	...	...	...	...	8	...	2,512	...	...
..	...	...	1	...	14,400	...	29,400	...	Sessions Judge.	...	6	18	327	...	17
...	..		1	...	12,000		33,844	...	Presidents of the Municipal Committees.	...	..	2,313	...	...	...

CLASS OF TRIBUNALS, Distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals, stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.
Magistrate of 1st class, exercising Criminal, Civil and Revenue powers.	18			18	1 Judge.	Magistrate of the 1st class under Section 20, Act X. of 1872 and Justices of the Peace. Civil jurisdiction up to Rs. 3,000 under Act XVII. of 1875 Revenue powers under the rules of the province.
Ditto ditto exercising Revenue powers only				...		. .
Magistrates of Districts exercising Criminal, Civil, and Revenue powers, as also special powers under Section 36 of Act X. of 1872.	16			16	1 do.	Magistrates of the 1st class under Section 20 of Act X. of 1872, Civil Original Juridiction in all suits, of whatever value or amount, with Appellate Civil powers over all Courts of grade (1) and grade (2) as defined in Section 12 of Act XVII. of 1875. Revenue, Original and Appellate, powers as in the Revenue rules of the province, also additional powers under Section 36 of Act X. of 1872; Magistrates of full powers have the chief executive control over their districts, and have powers to hear appeals from the orders of 2nd and 3rd class Magistrates in their districts, and are also Justices of the peace.
Sessions Courts ...	3	..		3	1 do. with assessors in Sessions trials.	Powers of Court of Sessions under Section 15 of Act X. of 1872. Appellate jurisdiction, Criminal, Civil, and Revenue, over all Chief Courts of Districts and Magistrates of the 1st class.
Court of the Judicial Commissioner.	1			1	1 Judge	Powers of a High Court.

ABSTRACT.

1 Judicial Commissioner.
3 Commissioners
1 Judge.
4 Deputy Commissioners, 1st grade.
3 ditto ditto 2nd do.
4 ditto ditto 3rd do.
8 ditto ditto 4th do.

1 Superintendent of Hill Tracts.
5 Assistant Commissioners, 1st grade.
6 ditto ditto 2nd do.
5 ditto ditto 3rd do.
15 ditto ditto 4th do.
4 Supernumerary Assistant Commissioners.

STATEMENT 1—*(continued)*.

Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES. Europeans. Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE. European.	Native.	Total cost of Tribunals.	Net receipt from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each Tribunal.	NO. OF CASES DECIDED DURING THE YEAR. Criminal.	Civil.	Revenue.	Appeal.	REMARKS.
					Rs.	Rs.	Rs.	Rs.		Sundays and holidays excepted.						
...	5	6	7	..	7,290	...	1,18,690	Rs. 2,29,891-14-0.			..	4,673	1,233	316	..	96 Criminal appeals. 109 Civil ditto. 242 Revision. 449
...	...	...	...	..	..	...	..		...		..	...	..	...	...	
...	1	10	5	...	16,455	...	1,73,838				...	1,237	22	1,362	1,059	
...	...	3	...	...	33,000	.	1,04,661		.		..	110 and mis. cases 64	mis. case 1	mis. cases. 224	425	
...	1	...	..	...	30,000	...	43,008	3,947-2-0	..		...	3	...	...	*449	

ABTRACT.

1 Senior Extra Assistant Commissioner.
5 Extra Assistant Commissioners, 1st class, 1st grade.
4 ditto ditto 1st do. 2nd do.
7 ditto ditto 2nd do. 1st do.
8 ditto ditto 2nd do. 2nd do.

24 Extra Assistant Commissioners, 3rd class, 1st grade.
24 ditto ditto do. 2nd do.
34 ditto ditto do. 3rd do.
2 Assistant Cantonment Magistrates.
3 Honorary Magistrates.

B.—JUDICIAL.

1.—(*Criminal.*)—*Statement of Offences Reported and of Persons Tried, Convicted, and Acquitted for each Offence in the Province of British Burma (exclusive of the Town of Rangoon) for the year 1875.*

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
CLASS I.							
Offences against the State, the Public, and Justice.							
Relating to Coin, Stamps, Weights, and Measures.							
Counterfeiting coin	6	8	3	2	...	...	3 committed.
Diminishing or altering coin	1	1	1	...	...	...	
Passing or possessing bad or altered coin	7	9	1	7	...	...	1 ditto.
Using as genuine counterfeit stamps or effacing or altering same	1	1	...	1	...	...	
Making, using, or possessing false weights or measures	12	42	9	33	...	...	
Against Public Justice.							
Personating public servant or soldier ...	11	23	9	14	...	...	
Concealing design to commit offence ...	3	8	8	...	...	...	
Omitting to give information of offence, or giving false information ...	75	95	21	74	...	...	
Causing disappearance of evidence ...	14	*18	4	14	...	...	
Resisting, obstructing, or omitting to assist public servant	42	91	40	51	...	...	
Disobedience of lawful order, causing injury	184	799	125	674	...	...	
Intentional insult or interruption in judicial proceeding	26	46	6	40	...	...	
Harbouring an offender	10	12	7	5	...	...	
Taking gift to screen offender ...	47	65	30	33	1	1	
Resistance to lawful apprehension and rescue	66	86	22	63	1	...	
Escape from lawful custody or transportation	25	31	2	29	...	...	
Absconding from, avoiding, or disobeying summons or notice, or order to attend or produce, or refusing to answer or sign	125	198	65	133	...	...	
By Public Servants.							
Taking valuable thing by, or to influence public servants	71	117	46	63	8	...	
Public servant acting illegally to injure any person	1	1	1	...	...	...	
Public servant fraudulently defeating punishment or forfeiture	3	7	1	6	...	...	
Public servant wilfully making order or decision contrary to law	1	2	...	2	...	...	
Public servant intentionally omitting to apprehend or permitting to escape ...	4	4	2	2	...	...	
Public servant negligently suffering escape	45	64	8	53	3	...	
Breach of Police Act by Police Officers...	49	57	7	50	...	...	
Carried over ...	829	1,785	418	1,349	18	1	4 committed.

B.—Judicial. *Statement 2*—(continued).

Description of offence.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Remarks.
Brought forward ...	629	1,785	418	1,349	13	1	4 committed.
False evidence, false complaints or claims, and forgery.							
Giving false evidence	27	43	18	22	...	...	3 ditto.
Fabricating false evidence	5	5	2	2	1	...	
Making, issuing, or using false statement or certificate	2	2	1	...	1	...	
False personation in Judicial proceeding,	5	8	2	6	...	...	
Fraudulent claim to, or concealment of property, or suffering of decree ...	20	35	23	9	3	...	
False claim in Court of Justice ...	1	1	1	...	...	...	
False charge of offence	29	62	39	16	3	4	
Forgery or fraudulently using or possessing forged document	12	19	14	4	...	...	1 ditto.
Making or using false trade-marks ...	1	1	...	1	...	...	
Public Nuisances.							
Public nuisances under Penal Code ...	1,017	1,884	388	1,479	1	16	
Nuisances under Police or Municipal and Local Acts	802	1,471	193	1,278	...	...	
Relating to the public peace.							
Rioting or unlawful assembly ...	118	932	263	648	8	13	
Omitting to inform of, or prevent, riot,	1	6	...	6	...	...	
Affray	180	717	142	571	4	...	
Offences relating to religion ...	20	42	18	24	...	...	
Total ...	3,069	7,013	1,522	5,415	34	34	8 committed.
CLASS II.							
Offences against the person.							
Murder { By dacoits	4	8	...	...	...	...	8 committed.
Murder { By robbers	9	13	...	...	...	...	13 ditto.
Other murders { From motives connected with women ...	69	79	9	...	...	3	67 ditto.
Other murders { From other motives ...							
Attempt to murder	8	7	1	2	1	...	3 ditto.
Culpable homicide	29	42	10	8	3	...	21 ditto.
Causing death by negligent act ...	5	6	2	4	...	...	
Abetment of suicide	6	4	2	1	1	...	
Attempt to commit to suicide ...	13	14	9	5	...	...	
Grievous hurt	101	142	25	100	2	11	4 ditto.
Grievous hurt on grave and sudden provocation	17	24	8	15	...	...	1 ditto.
Hurt	677	1,129	422	693	8	5	1 ditto.
Hurt by dangerous weapons ...	268	245	72	164	...	7	2 ditto.
Administering stupefying drugs ...	1	...	...	...	...	...	
Causing hurt to extort property or confession	1	3	...	3	...	...	
Act dangerous to life or safety ...	66	146	63	82	...	1	
Wrongful restraint	28	80	34	46	...	...	
Wrongful confinement	50	54	31	16	7	...	
Wrongful confinement to extort property or confession	3	9	2	7	...	...	
Assault or use of criminal force ...	2,087	3,034	1,612	1,399	16	7	
Carried over ...	3,442	5,030	2,302	2,545	38	84	120 committed

B.—JUDICIAL. *Statement 2*—(continued).

DESCRIPTION OF OFFENCE	Number of offences reported during the year	Number of persons under trial during the year	Acquitted or discharged	Convicted	Died, escaped or transferred	Remaining under trial	REMARKS
Brought forward	3,442	5,030	2,302	2,545	38	34	120 committed
Offences against the person—(continued)							
Criminal intimidation or insult	1,897	2,435	1,426	998	4	7	
Causing annoyance in state of intoxication	68	81	9	72			
Kidnapping or abduction	25	20	19	8			2 committed
Abducting a woman to compel marriage or for defilement	8	16	5	11			
Selling, letting, or unlawfully obtaining a woman for purposes of prostitution	2	2	2				
Enticing a married woman with criminal intent	55	40	35	5			
Fraudulent and unlawful marriages	3	5	5				
Adultery	44	40	31	7			1 ditto
Rape	61	69	39	22	1		7 ditto
Unnatural offences	3	3	3				
Defamation	30	49	35	11	1	2	
Total	5,638	7,808	4,911	4,679	44	44	130 committed
CLASS III							
Offences against property with violence							
Dacoity	38	80	18	34	2		26 committed
Preparation or assembly for dacoity	2	5	4	1			
Robbery with hurt or deadly weapon	28	79	21	30	1		18 ditto
Robbery	66	96	38	47	7	2	2 ditto
Abetment of robbery		3	2				1 ditto
Extortion	41	89	47	41	1		
House breaking or house trespass, in order to commit theft	399	254	63	183	6	1	1 ditto
House-breaking or house trespass in order to commit an offence other than theft	132	66	24	42			
House breaking or house trespass with preparations for, or attempt at, hurt	40	54	17	36	1		
House-breaking or lurking house trespass,	146	107	41	63	3		
Without violence							
Theft of cattle	676	534	218	264	37	4	11 ditto
Theft (ordinary)	6,410	5,078	1,478	3,459	135	24	2 ditto
Dishonestly receiving stolen property	519	820	237	569	11	1	2 ditto
Dishonest misappropriation of property	183	287	100	179	2	5	1 ditto
Criminal breach of trust	165	178	67	105	6		
Cheating	155	204	81	107	14	2	
Malicious Offences							
Mischief ordinary	427	685	428	254	2	1	
Mischief by poisoning or killing cattle	63	65	36	27	1	1	
Mischief by destroying land marks	1	1	1				
Serious mischief by fire	86	29	19	6		4	ditto
Criminal trespass or house trespass	771	1,087	641	441		5	
Breaking closed receptacle	1	2	1	1			
Total	10,293	9,809	3,582	5,878	229	46	66 committed

B.—JUDICIAL. *Statement 2*—(concluded).

DESCRIPTION OF OFFENCE	Number of offences reported during the year	Number of persons under trial during the year	Acquitted or discharged	Convicted	Died, escaped, or transferred	Remaining under trial	REMARKS
CLASS IV							
Offences not included in the above classes							
Belonging to a gang of thieves	7	10	2	3			5 committed
Criminal breaches of contracts of service	35	64	16	37	11		
Total	42	74	18	40	11		5 committed
Breaches of Special laws of the Province							
Excise on spirits and drugs (Abkaree)	1,348	1,740	988	1,337	14	1	
Stamps	22	50	23	25		2	
Post office	3	3		2			1 committed
Municipal Act	24	82	34	48			
Jails	27	31	4	27			
Forests	27	33	8	22		3	
Ferries	5	6	3	3			
Fisheries Act VII of 1875	4	17	2	15			
Gaming and Lotteries	632	3,383	587	2,742	11	43	
Cattle Trespass Act I. of 1871	99	169	48	120	1		
Possession of arms	17	21	3	16	2		
Merchant Shipping Act	23	65	17	48			
Seamen's Act I of 1859	36	148	68	80			
Local Rules	2	1		1			
Revenue Rules	1	6	6				
Indian Ports Act XII of 1875	4	6	2	4			
Police Act V of 1861	296	508	30	476	2		
Cantonment Rules	48	110	19	88	3		
Contract Act XII of 1859	35	33	17	16			
Gharries, Carts, and Boats	229	535	122	413			
Contagious Diseases Act	38	41	15	25	1		
Prostitutes Act	8	10	3	7			
Miscellaneous	46	59	3	56			
Total	2,974	7,057	1,402	5,571	34	49	1 committed
ABSTRACT							
Offences under Class I	3,069	7,013	1,522	5,415	34	34	8 committed
Ditto Class II	5,638	7,808	3,911	3,679	44	44	130 ditto
Ditto Class III	10,299	9,803	3,582	5,878	229	46	68 ditto.
Ditto Class IV	42	74	18	40	11		5 ditto
Breach of special laws of the Province	2,974	7,057	1,402	5,571	34	49	1 ditto
GRAND TOTAL	22,016	31,755	10,435	20,583	352	173	*212 committed
Vagrancy without ostensible means of livelihood	599	914	215	653	39	7	
Maintenance of wife and children	39	35	13	22			
Security to keep the peace	19	39	1	38			
Bad habit and repute	2	5		5			
Contempt of Court	7	10	1	9			
Maintenance of lunatics	3	3		3			
Removal of nuisances	12	12	1	11			
Non compliance with order to give bond,	9	15	4	11	..		
Total	690	1,033	235	752	39	7	

* Sixteen persons sent up for higher punishment by subordinate Magistrate in Rangoon District are included here

B.—

3.—*(Criminal.)—Statement showing the general Result of Criminal Trials in of the Town of Rangoon)*

Class of Tribunal	Number of Persons dealt with						
	Remaining at end of last year	*Brought to trial during the present year*				Received by transfer	Total
		Under arrest by Police	Upon warrant	On summons	Voluntarily		
1	2	3	4	5	6	7	8
Village Officers							
Unpaid Magistrates							
Local and Subordinate paid Magistrates	72	9,471	1,143	6,290	23	38	17,037
Full power Magistrates exercising jurisdiction throughout the district	80	8,750	620	2,785	20	267	12,522
Chief Magistrates of Districts	18	1,455	68	245		468	2,254
Total Magistracy	170	19,676	1,831	9,320	43	773	*31,813
Sessions Courts	11	63				130	204
Court of Judicial Commissioner		8					8
High Court							
Grand total	181	19,747	1,831	9,320	43	903	32,025

JUDICIAL.

the Tribunals of various classes in the Province of British Burma (exclusive in the year 1875.

Persons disposed of					Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	Remarks
Discharged without trial	Acquitted.	Convicted.	Committed or referred.	Died, escaped, or transferred.				
9	10	11	12	13	14	15	16	17
1,703	4,619	10,325	23	272	95	2 85	30,383	
1,280	2,200	8,783	135	57	67	3·55	23,201	
287	346	1,512	75	23	11	3·0	3,955	
3,270	7,165	20,620	†233	352	173	3 13	57,629	* Fifty-eight persons sent up by Subordinate Magistrates for higher punishment are shown against the Magistrates who committed them as well as against the convicting Magistrates, and thus the difference between these and corresponding total of preceding Statement No. 2. † Includes thirty-seven persons who were sent up for higher punishment by Subordinate Magistrates. ‡ One person was brought to trial in two cases which were tried together by the Sessions Judge.
	53	‡140		1	9	37·0	862	
	2	2			4	40 0	18	
3,270	7,220	20,762	233	353	186	26 71	58,529	

B.—

4.—(*Criminal.*)—*Statement showing the Punishments inflicted by various of Rangoon*)

Class of Tribunal	Persons sentenced to: Death	Transportation: For life	Transportation: For a term	Penal servitude	Imprisonment, Rigorous: With solitary confinement	Imprisonment, Rigorous: Without solitary confinement	Imprisonment: Simple	Forfeiture of property	Fine: With imprisonment	Fine: Without imprisonment	Whipping: In addition to other punishment	Whipping: In lieu of other punishment	Persons ordered to find or give: Surety of the peace	Recognizance	Sureties for good behaviour	Rs 10 and under	Rs 50 and under
Magistrates, unpaid.																	
Local and Subordinate paid Magistrates					13	1,833	68	7	316	7,730	84	221	12		6	5 593	2,183
Full power Magistrates of general jurisdiction,					77	1,643	200	9	355	5,962	115	434	60	22	667	4,518	1,309
Chief Magistrates of Districts					30	681	26		77	554	31	115	61	2	288	330	198
Total Magistracy					120	4,157	294	16	748	14,246	230	770	133	24	961	10,436	3,690
Sessions Judges	32	40				63	1		4								
Judicial Commissioner	1					1											
Grand Total	33	40			120	4,221	295	16	752	14,246	230	770	133	24	961	10 436	3 690

* Two as

Note —Eighteen persons sent up for higher punishment by subordinate Magistrates in Tavoy Dis-

JUDICIAL.

Criminal Tribunals in the Province of British Burma (exclusive of the Town in the year 1875.

DETAIL OF PUNISHMENT.

FINE.							IMPRISONMENT.										WHIPPED.		
							15 days.		*6 months.*		*2 years.*		*7 years.*		*Above 7 years.*				
Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
				Rs. A. P.	Rs. A. P.	Rs. A. P.													
...	...	...	...	...	...	...		...	...	...	...		...		...	...	...	...	...
217	53	...	...	1,21,417-7-10	98,551-12-2	9,688-3-6	445	42	1,711	28	28		...	...	...	...	89	140	67
296	198	1	...	1,27,080-4-9	83,966-7-0	20,277-6-0	374	111	1,083	87	720	10	2	..	...	...	128	236	185
51	47	5	...	28,334-10-10	12,762-10-2	3,227-1-7	42	10	300	18	272	1	192	...	...	..	20	54	70
564	298	6	...	2,76,832-7-5	1,95,180-13-4	33,142-11-1	861	163	3,094	133	1,020	14	194	..	...		237	439	322*
...	1	3	...	2,360-0-0	.....	...	...	...	5	1	20	...	27	..	15	...	...	..	..
...	...	...	...	.....	.. ..	...	...	...	...	...	...	...	1	...	...	.	...	...	...
564	299	9	...	2,79,192-7-5	1,95,180-13-4	33,142-12-1	861	163	3,099	134	1,040	14	222	..	15	.	237	439	322*

juvenile.

trict are not included here, although they were shown in the preceding statement No. 2.

B.—

5.—*(Criminal.)—Statement showing the Result of Appeal and Revision in* *of Rangoon) during*

Tribunal	Number of appellants or persons applying for revision under Section 404, C. Cr. P.	Appeals or applications rejected.	Sentences confirmed.
Magistrates of Districts — Appeals from unpaid Magistrates			
Magistrates of Districts — Appeals from paid Magistrates	331	14	107
Sessions Courts — Appeals from unpaid Judges			
Sessions Courts — Appeals from paid Judges	607	42	991
Court of Judicial Commissioner	623	1	363
Total	1,561	57	861

JUDICIAL.

Criminal Cases in the Province of British Burma (exclusive of the Town the year 1875.

NUMBER OF PERSONS						REMARKS
Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered	Cases referred for revision to High Court.	Pending	
72	124	12			2	
54	71	1	6	3	39	
42	198				19	
168	393	13	6	3	60	

B.—

6.—(Civil.)—Statement showing the number and description of Civil Suits in-town of Rangoon)

SUITS FOR MONEY, DISTINGUISHING SUITS UP TO RS. 500, COGNIZABLE BY SMALL CAUSE COURTS, FROM

CLASS OF TRIBUNALS	*On written obligation.*		*On unwritten*		*On account stated*		*Money had and received.*		*Goods sold*		*Breach of contract not mentioned above.*		*Rent not falling under the Rent Law*	
	Rs. 500 and under	Above Rs. 500.	Rs. 500 and under	Above Rs 500.	Rs. 500 and under	Above Rs. 500.	Rs 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs 500 and under.	Above Rs 500.	Rs 500 and under	Above Rs. 500.
Paid Sub-divisional Tribunals	3,246	220	3,564	30	420	9	714	48	2,652	30	1,492	0	277	
Chief Courts of Districts	5	4	4	2	1	2			1	3		1		
Judge's Court, Moulmein		187		26		2		3		31		14		
Do Small Cause Side	1,292		228		8		100		390		323		67	
Small Cause Courts, Akyab and Thayetmyo	144		266				213		356		34		24	
TOTAL	4,687	411	4,062	58	429	13	1,027	51	3,399	64	1,849	21	368	

JUDICIAL.

stituted in the Civil Courts of the Province of British Burma (exclusive of the in the year 1875.

"OTHER CASES."				SUITS UNDER THE RENT LAW.	OTHER SUITS.												
Moveable property, or value thereof		*Damages*															
Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	For ejectment or recovery of possession.	Suits for immovable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Suits for dissolution of partnership.	REMARKS.
2,259	17	2,89	9	SUITS UNDER THE RENT LAW.—*Blank.*	1,163	292	45	79	331	1	17	678	105	75	3	7	4	
	3	2			4			2	1			1						
	13		9		1	4	12	5	4	1	..	..	16					
87		21																
75		14																
2,421	33	2,927	18		1,168	296	57	86	336	2	17	679	121	75	3	7	4	24,689

B.—Judicial.

7.—(Civil.)—Statement showing value of Suits disposed of in the Civil and Revenue Courts of the Province of British Burma (exclusive of the Town of Rangoon) in the year 1875.

Value of Suits		Number of Suits disposed of in different Courts					Total value of Suits
		Village Courts.	Small Cause Courts	Moonsiffs', Deputy Collectors', and other Sub-Divisional Courts	District Courts	Superior Courts.	
1		2	3	4	5	6	7
In Civil Courts	Rs						Rs. A P
Not exceeding	5		310	2,072	4		7,793 11 7
Ditto	20		1,300	5,417	57		87,723 10 3
Ditto	100		1,594	9,555	144		5,56,300 5 10
Ditto	500		388	3,209	74		6,95,362 13 7
Ditto	1,000		50	241	9		2,09,203 11 0
Ditto	5,000			100	37		2,48,017 0 8
Ditto	10,000				5		32,999 4 0
Ditto	1,00,000				4		98,700 0 0
Exceeding	1,00,000						
Suits not having a money value				108	26		
	Total		3,642	20,702	360		19,36,100 8 11

Note.—Kyouk-hpyoo returns show 699 suits disposed of, instead of 698, and thus a difference of one case

B.—JUDICIAL.

8.—(Civil.)—Statement showing the general result of the trial of Civil Suits in the Courts of Original Jurisdiction in the Province of British Burma (exclusive of the Town of Rangoon) in the year 1875.

Class of Courts.	Suits remaining from last year.	Instituted in 1875.	Received by transfer.	Total for disposal	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested: Judgment for plaintiff in whole or part.	Contested: Judgment for defendant.	Total disposed of	Pending.	Over two months.	Over four months.	Average duration of suits: Contested.	Average duration of suits: Uncontested.	Average duration of suits: Referred to arbitration.
Small Cause Courts	35	3,640	2	3,677	15		544	46	180	348	1,261	2	877	365	3,642	35		2			4
Paid Sub-divisional Tribunals	135	20,639	44	20,818	80	18	3,403	300	1,716	3,221	3,037	256	5,916	2,507	20,700	118	3	1			246
Chief Courts of Districts	15	331	33	379	3		27	11	25	20	147		90	38	361	18	2	.		.	.
Total	185	24,610	79	24,874	98	18	3,974	357	1,921	3,589	4,445	258	6,883	2,910	24,703	171	5	3			250

9.—(Civil.)—Statement showing the business of the Civil and Revenue Appellate Courts of the Province of British Burma (exclusive of the Town of Rangoon) in the year 1875.

Class of Courts		Remaining from last year	Instituted in 1875	Received by transfer	Total	Transferred	Dismissed for default or under Sections 5 and 6, Act XXIII of 1861	Heard *ex parte*			Contested				Total disposed of	Pending	Over four months	Objections under Section 348 Act VIII, 1859	Objections allowed	Remarks
								Confirmed	Modified	Reversed	Confirmed	Modified	Reversed	Remanded						
Chief Appellate Court of District.	Civil Appeals*	33	1,185		1,218	1	54	141	10	16	523	83	326	44	1,198	19				One compromised out of Court
	Miscellaneous Appeals		6		6		1	1		1	1		2		6					
Superior Appellate Courts other than Chief Court of Province, each class of Courts being specified			5		5						2	2	1		5					
Court of the Judicial Commissioner	From District Courts—second Appeals	15	98		113		2	14	1	3	36	2	38	2	98	15				
	Miscellaneous Appeals,	1	3		4								2	1	3	1				
	Total	49	1,297		1,346	1	57	156	11	20	562	87	369	47	1,310	35				1

B.—Judicial.

10.—(Civil.)—Statement showing the Execution of the Decrees of the Civil and Revenue Courts of the Province of British Burma (exclusive of the Town of Rangoon) in the year 1875.

Class of Courts	Applications to execute Decrees				Decrees completely executed.	Decrees partially executed	Pending at the end of 1875	Decrees executed by possession being given	Nature and number of coercive processes issued					Orders under Section 244, Code of Procedure	Remarks
									Imprisonment of person	*Movable property*		*Immovable property*			
	Pending	Filed	Received by transfer	Total						Attached	Sold	Attached	Sold		
Small Cause Courts	65	1,315		1,380	347	219	87		66	245	105	8	5	11	727 struck off the file
Local Sub-divisional Civil Courts	112	4,112	40	4,264	2,384	848	121	163	632	1,986	699	979	410	19	915 ditto
District Courts	12	140	115	267	71	71	13	5	39	63	28	40	29	4	108 ditto
Total	189	5,567	155	5,911	2,802	1,138	221	168	737	2,294	832	1,027	444	34	1,750 struck off the file

B.—JUDICIAL.

11.—*Statement showing use of Juries and Assessors in the Civil and Criminal Courts of the Province of British Burma (exclusive of the Town of Rangoon) in the year 1875.*

CLASSES OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS	Established or average number of Jury or Assessors in each case, and prescribed qualification	Number of cases tried by Jury	Number of cases with Assessors	JURY TRIALS		ASSESSORS' TRIALS.		Note showing in what classes of cases Juries and Assessors have been principally employed	REMARKS.
				Cases in which the Judge approved of the verdict	Cases in which the Judge did not approve of the verdict	Number of cases in which Judges agreed with Assessors	Number of cases in which Judges differed from Assessors.		
Sessions Court, Arakan	3	1	15	1		13	2	Juries and Assessors have been principally employed in Criminal trials only	In one case the Sessions Judge agreed with Assessors in respect to first accused, but differed from them in respect to second and third accused
Ditto Pegu	2		65			35	29		
Ditto Tenasserim	3		25			18	7		
Judge's Court, Moulmein (Criminal)	5	14		14					
Judicial Commissioner as Court of Session	3		3			2	1		
TOTAL	16	15	108	15		68	39		

B.—Judicial.

12.—*Statement of Deeds registered in the Registration Offices of the Province of British Burma (exclusive of the Town of Rangoon) in the year 1875.*

Class of Registry Office.	Number of officers.	Number of Deeds Registered.														Amount of fees received.	Actual cost of Registry Office.
		Obligation for payment of money not secured on real property.					*Receipts & other acquittances.*		*Leases.*								
		Not exceeding Rs. 20.	Not exceeding Rs. 200.	Not exceeding Rs. 5,000.	Exceeding Rs. 5,000.	Other personal contracts.	Not affecting real property	Affecting real property	For terms not exceeding one year.	For terms exceeding one year.	Deeds of sale or mortgage of real property of value not exceeding Rs. 100.	Deeds of gift of real property.	Deeds of sale or mortgage of same, when value exceeds Rs. 100.	Deeds affecting real property not included in above.	Wills.	Authorities to adopt	
																Rs. A. P.	Rs. A. P.
Arakan Division . . .	3		1			9	3		2	1	13	3	255	3	2		528 14 0	301 0 0
Pegu Division . .	14			2		162	55	243		12	220	16	1,433	44	2	3	4,950 12 0	2,433 0 0
Tenasserim Division .	*5		6	5			79	70		-	12	12	72	11	1		208 0 0	94 8 0
Total	22		7	7		171	137	313	2	13	245	31	1,760	58	5	3	5,687 10 0	2,828 8 0

* Returns from Amherst and Mergui were not received.

Revised Statement A.

Name of District		Number of offences reported			Number of persons brought to trial			Number acquitted			Number convicted			Proportion of convictions to number of persons brought to trial		
		Not bailable	Bailable	Total	Not bailable	Bailable	Total	Not bailable	Bailable	Total	Not bailable	Bailable	Total	Not bailable	Bailable	Total
Sandoway	1874	59	166	225	78	271	349	26	49	75	52	220	272	66	81	78
	1875	113	122	235	111	187	298	36	63	99	72	122	194	64	65	65
	Increase	54			33			10	14	24	20			2	16	13
	Decrease		44	18		84	51					98	78			

Revised Statement B.

Name of District		Against the State, the Public and Justice	Against the Person	Against property		Under Penal Code not included in preceding	Special laws of the province
				With violence	Without violence		
Sandoway	1874	28	95	2	54	14	32
	1875	19	68	1	109	11	27
	Increase				55		
	Decrease	9	27	1		3	5

Revised Statement C.

Name of District		Number of																					
		Giving false evidence		*Murder*		*Culpable homicide not amounting to murder*		*Dacoity*		*Robbery*		*Rape*		*Grievous hurt*		*House-breaking*		*Cattle theft*		*Other theft and receiving stolen property*	
		Cases reported.	Persons convicted	Cases reported	Persons convicted	Cases reported.	Persons convicted	Cases reported	Persons convicted	Cases reported	Persons convicted	Cases reported	Persons convicted	Cases reported	Persons convicted	Cases reported	Persons convicted	Cases reported	Persons convicted	Cases reported	Persons convicted
Sandoway	1874			1	1	1	1			1	1	3	1	1	1					51	45
	1875			1	1							2	1	3	2	1	1			104	69
	Increase					1	1			1	1	1		2	1	1	1			53	24
	Decrease																				

Revised Statement of punishments inflicted by Magisterial authorities.

District	Class and Locality Tribunal and Name of Magistrate	Persons sentenced to						Amount of fine			
		Solitary confinement	Simple imprisonment	*Rigorous imprisonment*		Fine	Whipping	Imposed	Realized	*Awarded as compensation*	
				Two years and under	Over two years					Ordered	Paid
Toungoop	Moung Shwe Dzin, Magistrate 3rd class			17		22		159	159		
Sandoway	„ Kyouk Kai, Officiating Magistrate, 3rd class			1		8		23		7	7
	„ Pha Phroo, Magistrate 2nd class			9		52		467	89	12	12
Gwa	„ Tsan Oo ditto ditto			23		9		45	45		
Sandoway	Major G E Fryer, District Magistrate			2		10	4	80	80	50	50
	Mr C J A Duke Officiating District Magistrate			1		1		500	25		
	Captain C H A. Gower ditto ditto			15		4		50	50		
	„ H R Spearman ditto ditto		1	7		8		80	70		
	Total		1	75		114	4	1,404	529	69	69
	Rewards to informers and Police in Excise cases, Moung Shwe Dzin							30			
	Ditto ditto ditto „ Kyouk Kai							30			
	Ditto ditto ditto „ Pha Phroo							390	360	360	360
	Ditto ditto ditto „ Tsan Oo										
	Ditto ditto ditto Major Fryer							295	240	240	240
	Ditto ditto ditto Mr Duke							20			
	Ditto ditto ditto Captain Gower							50	50	50	50
	Ditto ditto ditto „ Spearman							100			
	Total							985	650	650	650

APPENDICES TO PART III:

COURTS UNDER THE SUPERVISION OF THE COMMISSIONER OF THE ARAKAN DIVISION.

B.—

1.—Statement showing the various Judicial Tribunals, Original and Appel

Class of Tribunals, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions.	Average area of each division in square miles.	Average population of each division	Number of tribunals	Constitution of tribunals, stating number of Judges in each, and Jury or Assessors, if any	Judicial powers of each tribunal, Original and Appellate.
1	2	3	4	5	6	7
Local and Subordinate Magistrate exercising Criminal, Civil, and Revenue powers (paid).	1			1		Subordinate Magistrate of the 3rd class under Section 20 of Act X. of 1872. Civil original jurisdiction unlimited under Section 2(*a*) of the Arakan Hills Civil Justice Regulation, 1874. Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.
Magistrates of full powers, exercising Criminal, Civil, and Revenue powers	1	1,213	12,442	1	1	Full Magisterial powers under Section 36 Act X. of 1872, and additional powers under Section 266 of the same Act. Appellate Criminal powers over all the Courts in his District. Civil original jurisdiction without limit and Appellate Civil power over all the Courts in his District under Section 2(*b*) of the Arakan Hills Civil Justice Regulation, 1874. Revenue, Original, and Appellate powers as prescribed in the Arakan Hills District Laws Regulation, 1874.

JUDICIAL.

late, existing in the District of Northern Arakan on the last day of the year.

Prescribed qualification of Judges previous to appointment.	Total number of Judges. *Europeans.* Covenanted.	Commissioned Military officers.	Uncovenanted.	Native.	Average annual salary of each paid Judge. European	Native	Total cost of Tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each Tribunal.	No of cases decided during the year. Criminal.	Civil	Revenue.	Appeal.
8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
					Rs	Rs	Rs	Rs.							
Town Magistrate of Akyab. Head Burmese writer of Superintendent of Hill Tribes Court				1		1,200-0-0	1,619-7-2			279		15	72		
			1		12,600-0-0		15,361-7-2		*Ex-officio* Superintendent of Police	279		15	32		

B.—

6.—(Civil).—Statement showing the number and description of Civil Suits insti

SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs 500, COGNIZABLE BY SMALL CAUSE COURTS, FROM

CLASS OF TRIBUNALS	*On written objection*		*On unwritten*		*On account stated*		*Money had and received*		*Goods sold*		*Breach of contract not mentioned above*		*Rent not falling under the Rent Law*	
	Rs. 500 and under	Above Rs. 500	Rs. 500 and under	Above Rs 500	Rs 500 and under	Above Rs 500.	Rs 500 and under	Above Rs. 500	Rs 500 and under	Above Rs 500	Rs. 500 and under	Above Rs 500.	Rs 500 and under	Above Rs. 500
Paid Sub divisional Tribunal			6				11		43					
Chief Court of District							6		15					
Total			6				17		58					

JUDICIAL.

tuted in the Civil Courts of the District of Northern Arakan in the year 1875.

"OTHER CASES."				SUITS UNDER THE RENT LAW.	OTHER SUITS.											
Movable property, or value thereof.		*Damages.*														
Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	For ejectment or recovery of possession.	Suits for immovable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	REMARKS.
4	..	3	.	SUITS UNDER THE RENT LAW.—*Blank.*	1				..	...	...	3	1	...			There were only fourteen suits instituted, by verbal complaint, under Section 9 of the Hill Regulation.
3	..	5	.			...	..	2					1				In this Court eighteen suits were instituted, by verbal complaint, under Section 9 of the Hill Regulation
		8			1		.	2				3	2	.			

B.—Judicial.

7.—(Civil.)—Statement showing Value of Suits disposed of in the Civil and Revenue Courts of the District Northern Arakan in the year 1875.

Value of Suits.	Number of Suits disposed of in different Courts.					Total value of suits.
	Village Courts.	Small Cause Court.	Moonsiffs', Deputy Collectors', and other Sub-divisional Courts.	District Courts.	Superior Courts.	
1	2	3	4	5	6	7
In Civil Courts.						Rs. A. P.
Not exceeding Rs. 5	...	...	5	3	...	28 12 0
Ditto 20	..	...	32	12	...	444 11 0
Ditto 100	.	...	32	13	...	1,844 15 0
Ditto 500	.	...	3	4	...	922 0 0
Ditto 1,000	...	...	.	..	...	..
Ditto 5,000	.	...	.	...	...	...
Ditto 10,000	.	...		...	...	..
Ditto 1,00,000	..	...	..	...	...	...
Exceeding 1,00,000	...	...	...	...	...	...
Total .	.	...	72	32	..	3,240 6 0
In Revenue Courts.						
Not exceeding Rs. 5	...	...	...	...	...	*Nil.*
Ditto 20						
Ditto 100						
Ditto 500						
Ditto 1,000						
Ditto 5,000						
Ditto 10,000						
Ditto 50,000						
Ditto 10,000						
Exceeding 1,00,000						

B.—JUDICIAL.

8.—(Civil.)—Statement showing the general result of the trial of Civil Suits in the Courts of original jurisdiction in the Districts of Northern Arakan in the year 1875.

CLASS OF COURTS.	Suits remaining from last year.	Instituted in 1875.	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	CONTESTED.		Total disposed of.	Pending.	Over two months.	Over four months.	AVERAGE DURATION OF SUITS.		Referred to arbitration.	REMARKS.
													Judgment for plaintiff in whole or part.	Judgment for defendant.					Contested.	Uncontested.		
Paid Sub-divisional Tribunal ...	...	72	...	72	...	...	...	...	59	...	...	...	11	2	72	...	...	...	3	4	...	
Chief Court of District ...	...	32	...	32	...	...	...	4	...	19	...	...	4	4	31	1	...	...	4·62	3	...	
TOTAL .	.	104	...	104	...	..	..	4	59	19	...	..	15	6	103	1	...	...	3·81	3·5	..	

B.—

1.—Statement showing the various Judicial Tribunals, Original and

of the

CLASS OF TRIBUNALS, Distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals, stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.[o]
Local and Subordinate Magistrates exercising Criminal, Civil, and Revenue powers, paid.	1			1	1 Judge	Magistrate of the 3rd class, under Section 20, Act X. of 1872. Civil Original jurisdiction of whatever value or amount under Section 2(*a*) of the Arakan Hills Civil Justice Regulation, 1874. Revenue Powers as prescribed in the Arakan Hills District Laws Regulation, 1874.
Magistrates of Districts exercising Criminal, Civil, and Revenue powers.	1	1,213	12,442	1	1 do.	Magistrate of the 1st class under Section 20, Act X. of 1872. Additional powers under Section 36, Act X. of 1872. Powers of the Chief Executive control over their Districts, with powers to hear appeals from the orders of the 2nd and 3rd class Magistrates in his District, and is also Justice of the Peace. Appellate Civil powers over all the Courts in his District under Section 2(*b*) of the Arakan Hills Civil Justice Regulation, 1874. Revenue Original and Appellate powers as prescribed in the Arakan Hills District Laws Regulation, 1874.
Sessions Judge	1			1	1 do.	Powers of a Court of Sessions under Section 15, Act X. of 1872. Appellate Jurisdiction, Criminal and Revenue, over the Chief Court of District and Magistrate of the 1st class Powers of a High Court in Civil matter under Section 2(*c*) of the Arakan Hills Civil Justice Regulation, 1874.

ABST

1 Extra Assistant
1 Deputy Commis
1 Commissioner.

JUDICIAL.

Appellate, existing in the Hill District of Arakan on the last day year 1875.

Prescribed qualification of Judges previous to appointment.	Total number of Judges. Europeans. Covenanted.	Commissioned Military Officers.	Uncovenanted.	Natives.	Average annual salary of each paid Judge. Europeans.	Natives.	Total cost of Tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same Officers	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each Tribunal.	Number of cases decided during the year. Criminal.	Civil.	Revenue.	Appeal.
					Rs.	Rs.	Rs.	Rs.							
..		..		1	.	1,200	1,819-7-2	..				15	72	...	...
... ...	.	1		..	12,600	..	15,261-7-2	...	*Ex-officio* Superintendent of Police.	Sundays and other holidays excepted.	...	15	32	...	
.. .	1			.	21,600	..	24,501-0-0	..	...		3	Sessions case ... 17 Criminal Miscellaneous ... 45	...	Miscellaneous cases . 77	Criminal appeals ... 26 Revenue appeals ... 7

RACT.

Commissioner, 3rd class.
sioner.

ERRATA.

Judicial Commissioner's Report on the Administration of Civil Justice in British Burma for 1875.

For "Decrease" (first word, page 52), read "Decrees."
For "decrease" (twelfth word, eleventh line, page 52), read "decrees."
For "1,024" (ninth word, first line, paragraph 50), read "1,027."

Judicial Commissioner's Report on the Administration of Criminal Justice in British Burma for 1875.

For "fog" (fourth word, twelfth line, paragraph 87), read "flog."
For "Meadoon" in last column of Statement under paragraph 66, read "Mendoon."
In first column of Statement under paragraph 66, read "Moulmein" before "Captain M. Furlong."